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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DIVISION  
HONORABLE GEORGE H. WU, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,  
Plaintiff,  
vs. Case No. CR 18-172-GW  
MICHAEL LERMA, et al,  
Defendants.

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REPORTER'S TRANSCRIPT OF  
TRIAL TRANSCRIPT - DAY 4  
Friday, February 28, 2025  
8:30 a.m.  
LOS ANGELES, CALIFORNIA

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1           **LOS ANGELES, CALIFORNIA; FRIDAY, FEBRUARY 28, 2025**

2                           **8:30 a.m.**

3                           **--oOo--**

4  
5  
6           THE COURTROOM DEPUTY: Please be seated and come to  
7 order. This United States District Court is now in session,  
8 the Honorable George H. Wu, presiding.

9           THE COURT: All right. Let me indicate to the  
10 parties, I just want to make sure I got the briefing from the  
11 government.

12           The briefing from Ms. Derby, you gave -- you sent me the  
13 wrong thing.

14           MS. DERBY: It's the right thing, it's just the  
15 label, in the way it was labeled.

16           THE COURT: No, no, no. You are talking about  
17 *Massiah*.

18           The things you sent me discusses the *Massiah* issue, not  
19 the Lerma issue.

20           MR. KAHAN: My review of it is the first two pages  
21 addresses the contested issue, then the subsequent two or so  
22 pages are about the *Massiah* writ issue.

23           THE COURT: No, the only thing I got was the  
24 document that says, response to government's lay opinion,  
25 testimony from Detective Self. That is fine.

1           Then the first page covers that, but then after that,  
2   you know, it goes to weird portions.

3           MS. DERBY: I attached the wrong document, Your  
4   Honor. I will attach it right now.

5           Then I got the response from counsel from Carlos  
6   Gonzalez, and then from Jose Gonzalez, but there is another  
7   defendant.

8           Did the other defendant not respond?

9           MR. NOVAK: The Carlos Gonzalez pleading, explicitly  
10   says, in couple of places, it's jointly filed on behalf of Juan  
11   Sanchez, also, I just didn't add all of the names of counsel.

12          THE COURT: All right. That is fine.

13          MR. NOVAK: That's what it says.

14          THE COURT: All right.

15          Let me ask a preliminary question, I presume that the  
16   government's intention anyway was to call --

17          MR. GORN: Mr. Talamantez.

18          THE COURT: -- To cover the same area, right?

19          MR. KAHAN: Yeah, we didn't expect for him to  
20   testify, specifically to Defendant Lerma's membership in the  
21   Mexican Mafia.

22          Our plan was to just use all of the evidence that we  
23   have around us, that we're building up to make that argument.

24          THE COURT: Well, let me put it this way, the  
25   government is always going to be offering evidence of one sort

1 or another.

2 At this point in time, I'm not going to be able to make  
3 a decision on this, first of all, obviously, Ms. Derby's  
4 response.

5 I do agree, it seems to me that, and again, this is not  
6 a situation where, like, the counsel are offering a severance  
7 mistrial.

8 Again, the rule that was violated here was the rule that  
9 insofar as Officer Self was not supposed to testify on this  
10 subject, because he was offered solely as a -- well, I made a  
11 ruling, that he would not be able to testify in his lay  
12 capacity, because it basically was summarizing the other stuff  
13 that was going to be offered during the course of the case.

14 So this is not a situation where this is somehow the  
15 government's -- nefarious conduct during the course of the  
16 trial has opened something up.

17 This is a situation where he was limited because he was  
18 going to be testifying as an expert as to certain things, and  
19 as a lay witness as to very limited portion as to the -- in  
20 regards to the recordings and translations that were done in  
21 the recordings.

22 The government, in its direct, did not violate any of  
23 the law, on the rulings that I made.

24 The issue is the cross that was done not only by  
25 Ms. Derby, but also counsel for Jose Valencia Gonzalez, he went



1 in an area too that was beyond what was -- beyond what Officer  
2 Self was called for and my ruling.

3 So, when you say, the defense wants some sort of  
4 severance as a result, if I permit the government to inquire,  
5 because the questioning of two of the defense of the four sets  
6 of defense counsel opened the door, you know, what can I say?

7 I haven't decided what I'm going to do yet, but I have  
8 to read Ms. Derby's response as well, but I don't see the  
9 nature of the defendant's response, other than what otherwise  
10 could be cured by the Court instructing the jury insofar as  
11 limiting the responses for the responses, if I allow further  
12 responses from the witness or whatever.

13 MR. NOVAK: Our No. 1 request was that the Court  
14 instruct the jury that Mr. Lerma, through his counsel, violated  
15 a Court order, and that that testimony --

16 THE COURT: No.

17 MR. NOVAK: -- is stricken. That's a limiting  
18 instruction that is less prejudicial than the defendants, than  
19 to admit it, and then say it's only admissible against Michael  
20 Lerma, because the linchpin to the enterprise theory of this  
21 case that comes out of the grand jury, is that it's the Michael  
22 Lerma cell of the enterprise.

23 THE COURT: Let me also indicate that Michael  
24 Lerma's cell was not referenced in this trial so far.

25 MR. NOVAK: That's right.

1 THE COURT: It was referenced by a defense counsel  
2 in the question.

3 MR. NOVAK: The same counsel.

4 THE COURT: No, By different counsel.

5 MR. NOVAK: My client and I have not asked any  
6 questions about Mr. Lerma.

7 THE COURT: Let me put it this way, things like this  
8 will happen.

9 MR. NOVAK: Understood.

10 THE COURT: You know, so, but I cannot put the blame  
11 in the government on any of these things. So far any of these  
12 errors have been committed by the government.

13 MR. NOVAK: I am not saying it is the government's  
14 fault. I am saying we have a triangle. We have multiple  
15 parties with multiple interests.

16 THE COURT: Let me stop. This always happens, in  
17 the context of multiple defendants. And yet, there is not a  
18 bar to trial for multiple defendants.

19 MR. NOVAK: Unless it is unfairly prejudicial.

20 Your Honor, I'm not trying to be difficult.

21 THE COURT: You are never difficult.

22 MR. NOVAK: I'm so easy.

23 THE COURT: What can I say?

24 MR. NOVAK: We made different suggestions. There is  
25 a hierarchy, eventually the Court will enter an order.

1 We understand.

2 THE COURT: The other thing I could consider is just  
3 striking the testimony of the officer indicating that -- it  
4 might formulate just some instruction.

5 MR. NOVAK: That was our suggestion.

6 THE COURT: I might do something, there is a whole  
7 range of possibilities. I don't know what I'm going to do yet.

8 MR. KAHAN: Two things, one, the government is  
9 comfortable with holding off Deputy Self for that issue, until  
10 the Court decides. We can bring him back later, perhaps even  
11 last.

12 THE COURT: I don't know if the defendants want to  
13 bring him last, at some point in time, after I have made the  
14 decision on this.

15 But let me brood about this some more.

16 The only thing, I didn't see any specific cases that  
17 were cited by anybody that kind of, like, hits this type of  
18 what happened, so, I will give you guys another maybe a day or  
19 two to find any cases that support a similar type of situation.

20 MR. KAHAN: Understood. What I would ask in the  
21 meantime is that the Court instruct the jury about the dual  
22 role for Deputy Self.

23 The defense did turn Deputy Self into a factual witness  
24 and, to an extent, at least for now, a lay opinion witness.

25 THE COURT: The only problem I have with that is

1 that I don't know what to extent to -- in other words, if I  
2 allow something to come in, et cetera, at this point in time, I  
3 don't know whether it would be helpful to the jury to know the  
4 distinction.

5 It concerns us, I suppose who are familiar with the  
6 distinctions between lay and expert witnesses.

7 But, you know --

8 MR. KAHAN: It's an issue that the Ninth Circuit  
9 examines very closely.

10 THE COURT: I understand that. I agree that the  
11 instructions have to be made.

12 But assuming this problem had not come up, I would not  
13 have been instructing the jury on the distinction until all of  
14 the evidence is in.

15 MR. KAHAN: I agree with that.

16 THE COURT: Obviously, before the case goes to the  
17 jury, I will instruct them on the difference between expert and  
18 lay witnesses.

19 MR. KAHAN: Sure. I'm seeing as best practice is,  
20 that particularly for dual role witnesses, even if the defense  
21 has determined, is that usually if there is not an instruction  
22 by the Court, there is at least some dialogue beforehand, like  
23 what I did with the lay part of his testimony -- this is  
24 completely unrelated, absolutely separate.

25 That didn't happen on the defense's side, so I want to

1 make sure is that this Court admonish the jury, so that  
2 distinction is apparent --

3 THE COURT: Before Mr. Self's final testimony is  
4 given, I will give that instruction, in addition to giving it  
5 at the close of the case as well.

6 MR. KAHAN: Assuming there is any more.

7 THE COURT: If there is not any more, I will give it  
8 at that point in time.

9 In other words, I don't want to give the instruction  
10 prior to the time I make a decision on how the -- if I'm going  
11 to allow the door being open to result in further lay testimony  
12 from Mr. Self.

13 MR. KAHAN: My only concern with that approach is  
14 that, let's say, if that happens next Friday, for instance, a  
15 week from now or the following Monday or Tuesday, we're pretty  
16 well removed from Detective Self.

17 I think the weight of that admonishment may be different  
18 than if it's done now, which is part of the analysis that --

19 THE COURT: No.

20 MR. KAHAN: Understood.

21 THE COURT: Great.

22 THE COURTROOM DEPUTY: All of the jurors are here.

23 MR. GORN: Your Honor, before the jury comes in, is  
24 it the Court's intention we would start with Special Agent Joe  
25 Talamantez?

1 THE COURT: You would be calling your next witness.

2 MR. GORN: That said, the government's estimate was  
3 about four hours with Special Agent Talamantez.

4 As now we have dealt with some of the recordings in this  
5 case, and seeing the objections that have been laid by the  
6 defense, I do want to let Your Honor know that it looks like  
7 we're going to be doing call by call by call, rather than batch  
8 exhibits, that might extend the estimate by one to two hours.

9 THE COURT: I don't know that the jury has been told  
10 beforehand, how long that officer's testimony is going to be, I  
11 presume it will be what it is.

12 MR. GORN: I just want to explain that in case the  
13 Court is frustrated.

14 THE COURT: I'm frustrated now, But not necessarily  
15 about that.

16 MR. GORN: Yes, Your Honor.

17 MR. KHOJAYAN: Your Honor, On Mr. Jose Gonzalez's  
18 behalf. The papers I did file did touch on, and include case  
19 law regarding opening the door.

20 THE COURT: Yes, I want something that is more  
21 similar to this type of opening.

22 Obviously, there has been opening the door in various  
23 different types of situations, and I wanted something if it's  
24 close to what we have here, if there is anything, there may not  
25 be any, but I will allow further briefing.

1 MR. NOVAK: So what the Court is ruling is in a  
2 multi-defendant case where one defendant opens the door and  
3 another defendant says that prejudicial, what should the Court  
4 do?

5 THE COURT: Yes, but especially, if it relates to,  
6 you know -- again, here, it's not as if it was the taboo  
7 subject.

8 In other words, nobody was going to offer that type of  
9 evidence, and therefore, it's opened the door for something  
10 that has been decided would not come in at all in any way,  
11 shape, or form.

12 Here, there is always going to be offering from the  
13 government, insofar as Mr. Lerma's position with the Mexican  
14 Mafia. The only thing about it was, it wasn't going to come  
15 from Officer Self, because Officer Self was initially only  
16 going to be called as an expert witness and lay witness for a  
17 limited area.

18 But there is now an inquiry as to his scope and insofar  
19 as his lay witness status is concerned.

20 I would also note, nobody raised an objection at the  
21 time the questions were asked and the time he responded.

22 Had any defense counsel raised an objection, then, yes.

23 MR. KAHAN: I think I may have raised a few outside  
24 the expert objections.

25 THE COURT: But not for that particular reason.

1 MR. KAHAN: It was outside of the expert scope,  
2 regardless, I laid objections, including for relevance.

3 THE COURT: So the government is even in a more  
4 sterling position.

5 MR. NOVAK: I'm not saying that the government has  
6 done anything to prejudice Mr. Gonzalez.

7 I'm saying, Mr. Lerma's counsel has.

8 We are not one entity. We are four different  
9 defendants, with four separate rights.

10 THE COURT: I understand that.

11 Javier, can we bring in the jury?

12 MR. KAHAN: I am going to guess, this Court would  
13 not be inclined, at this stage, to admonish the jury with the  
14 Model 1.13, about the separate consideration of evidence for  
15 each defendant just to make sure that it is really hammered  
16 home?

17 THE COURT: I already instructed them, they were  
18 part of the instructions.

19 MR. KAHAN: Part of the preliminary, just, sort of,  
20 a reminder, as sort of limiting instruction at this stage, just  
21 to protect --

22 THE COURT: I understand your concern, but I have  
23 already instructed them already, and if I instruct them -- in  
24 other words, they are not going to understand why I'm doing  
25 that again, at this point, unless I explain to them the entire



1 situation, on which I haven't made a ruling yet.

2 MR. KAHAN: I understand the Court's ruling.

3 THE COURT: Okay.

4 THE COURTROOM DEPUTY: Please rise for the jury.

5 (Jury enters the courtroom at 9:03 a.m.)

6 THE COURTROOM DEPUTY: You may be seated.

7 THE COURT: Good morning, ladies and gentlemen.

8 I apologize for not starting on time, I had to resolve  
9 another issue with counsel.

10 We are ready to call the next government's witness.

11 MR. GORN: Thank you, Your Honor.

12 At this time the government would call FBI Special Agent  
13 Joseph Talamantez.

14 THE COURT: All right.

15 THE COURTROOM DEPUTY: Please raise your right hand.

16 Do you solemnly swear that the testimony you shall give  
17 in the cause now before the Court, shall be the truth, the  
18 whole truth and nothing but the truth, so help you God?

19 THE WITNESS: Yes, I do.

20 THE COURTROOM DEPUTY: Have a seat. Be careful with  
21 that step.

22 Thank you. Please state your name and spell your last  
23 name for the record.

24 THE WITNESS: My name is Joseph Talamantez,

25 T-A-L-A-M-A-N-T-E-Z.

1 JOSEPH TALAMANTEZ,  
2 having been duly sworn,  
3 testified as follows:

4 MR. GORN: Good morning, Special Agent Talamantez.

5 THE WITNESS: Good morning.

6 DIRECT EXAMINATION

7 BY MR. GORN:

8 Q Can you just start by explaining where do you work?

9 A I work for the FBI, and I'm assigned to the Los Angeles  
10 division.

11 Q What is your title there?

12 A Special Agent.

13 Q How long have you been a Special Agent with the FBI?

14 A Approximately, 22 years.

15 Q What are your general duties and responsibilities as a FBI  
16 Special Agent?

17 A As an FBI Special Agent, I'm assigned to investigate  
18 matters of criminal violations, either federal or state.

19 Q Can you just describe to the jury your educational  
20 background?

21 A I have a computer science degree from Trinity University  
22 with concentration in software engineering and algorithm  
23 design.

24 Q Can you talk about what training you received in order to  
25 become a special agent with the FBI?

1 A To become a special agent, I go to the FBI academy, in  
2 Quantico, Virginia.

3 When I went through, it was a 16-week program.

4 During the course of the academy, they try to teach you  
5 everything they think you need to start the job.

6 That includes evidence collection, interview and  
7 interrogation, surveillance, gang culture, drug recognition,  
8 running of informants. And it also includes things, which I'm  
9 not currently assigned to, counter-intelligence investigations,  
10 counter-terrorism, and some cyber type of violations.

11 Q Now, in your over 20 years of experience at the FBI, have  
12 you had any role or experience in training others within the  
13 FBI?

14 A Yes.

15 Q What training have you done?

16 A What training have I have conducted, or have I provided?

17 Q That you have provided.

18 A So I'm currently the lead investigator of a task force,  
19 meaning that I'm frequently assigned either new FBI agents or  
20 task force officers and I train them on conducting interviews,  
21 investigations, and also gang culture and drug recognition.

22 Q Special Agent Talamantez, where are you currently  
23 assigned?

24 A I'm currently assigned to the West Covina Resident Agency,  
25 which is basically a satellite office. LA is very big

1 territory, so we have satellite offices that break down  
2 specific areas of responsibility.

3 And within the West Covina Resident Agency, I'm assigned  
4 as a lead investigator at the San Gabriel Valley Safe Streets  
5 Task Force.

6 Q What agencies do you work with in that task force?

7 A The task force is sponsored by the Pomona Police  
8 Department. We have been, since its inception, around 2008.

9 The task force has members from Pomona, obviously, from  
10 the El Monte Police Department, from the DEA, Los Angeles  
11 County Sheriff's Department, and the FBI.

12 Q How long have you been with the task force?

13 A I have been with the task force since its inception, which  
14 is around 2008, and I became the lead investigator in around  
15 2010.

16 Q What areas does the task force cover in LA County?

17 A So, the task force is the FBI's way to investigate violent  
18 crime, gang crime, and drug crime in eastern Los Angeles County  
19 or the San Gabriel Valley. That essentially covers Los Angeles  
20 County Jail, all the way to the end of the Los Angeles County  
21 line, which is around Pomona.

22 Q Are you familiar also with Metropolitan Detention Center?

23 A I am.

24 Q Is that the federal jail here in Los Angeles?

25 A Yes.

1 Q As part of your investigations, does that also sometimes  
2 come into contact with MDC or Metropolitan Detention Center?

3 A Yes. It's not in our general area of responsibility, but  
4 we are occasionally assigned cases that originate at the MDC.

5 Q As part of your job, do you conduct investigations into  
6 the Mexican Mafia?

7 A Yes.

8 Q As a special agent with the FBI, when did you first  
9 encounter the activities of the Mexican Mafia?

10 A Almost immediately upon being assigned to Los Angeles  
11 division, which was in January of 2006.

12 I pretty quickly began working with the Pomona Police  
13 Department, and it wasn't long after that, where I was exposed  
14 to Hispanic gangs and the Mexican Mafia.

15 Q How many investigations have you done involving the  
16 Mexican Mafia?

17 A Over a dozen.

18 Q How many Mexican Mafia members have been a target of one  
19 of your investigations?

20 A Somewhere between five and ten.

21 Q Now, does your investigation of the Mexican Mafia members  
22 require you to also investigate local criminal street gangs?

23 A Yes.

24 Q Why is that?

25 A Because the Mexican Mafia is, essentially, what is known

1 as a gang of gangs.

2 It's a gang that is comprised of senior leadership from  
3 street gangs.

4 So investigating the Mexican Mafia requires you to  
5 understand the street gangs, who are the ones that are doing  
6 the activity on behalf of the Mexican Mafia, because most --

7 MR. KHOJAYAN: Objection. 702 move to strike,  
8 Rule 16.

9 THE COURT: Overruled. He can testify.

10 BY MR. GORN:

11 Q Now, I want to ask you about Surenos. Do you investigate  
12 Surenos as part of your general investigations into the Mexican  
13 Mafia?

14 A Yes.

15 Q And how do Surenos fit into your investigations when you  
16 have just described that you are looking into criminal street  
17 gangs as well as the Mexican Mafia?

18 A Sureno is a description. Sureno describes the gang  
19 members that are from Southern Hispanic street gangs.

20 So when you say, you are investigating Surenos, you are  
21 actually saying, are you investigating gang members from  
22 Southern Hispanic gangs who collectively form a group that is  
23 known as the Surenos, which are the soldiers for the Mexican  
24 Mafia.

25 THE COURT: Let me ask witness, why do you refer to

1 it as Southern Hispanic gangs, you mean Southern California  
2 Hispanic gangs?

3 Why use the term Southern?

4 THE WITNESS: What did I say?

5 THE COURT: You said Southern Hispanic gangs.

6 THE WITNESS: Southern California Hispanic gangs.

7 THE COURT: Okay. Thank you.

8 BY MR. GORN:

9 Q How many investigations of Hispanics street gangs have you  
10 been involved with in your career with the FBI?

11 A Dozens.

12 Q In general terms, what types of crimes have you previously  
13 investigated involving the Mexican Mafia?

14 A Extortion, kidnapping, robbery, burglary, and theft,  
15 murder, attempted murder, murder conspiracy, arson.

16 Q How many different Hispanic street gangs have you  
17 investigated that were affiliated with the Mexican Mafia?

18 A Every Southern California Hispanic street gang that we  
19 investigated is associated with the Mexican Mafia.

20 Q How does a local gang show their affiliation to the  
21 Mexican Mafia?

22 A A lot of different ways.

23 Sometimes the gang itself will have the Number 13 inside  
24 of it, which shows its allegiance.

25 Every gang member may display differently or not at all.

1 They would have, in some cases, tattoos that are showing  
2 respect to the Mexican Mafia or the Sureno collection.

3 Q Now, you have previously described that the Mexican Mafia  
4 is a gang of gangs.

5 Does the Mexican Mafia, based on your investigations,  
6 extend into the local jails in Los Angeles County?

7 A Yes.

8 Q And does it also extend to MDC, Metropolitan Detention  
9 Center, the federal detention center here in Los Angeles?

10 A Yes.

11 Q Could you just describe, from what your investigations  
12 have shown you, the basic structure of the Mexican Mafia inside  
13 of the jails?

14 A Sure.

15 MR. KHOJAYAN: Objection. Your Honor, 702. He was  
16 going to testify as a lay witness.

17 THE COURT: What is your response to that objection?

18 MR. GORN: Well, this is going to get into his  
19 investigations that he did inside the jail, Your Honor.

20 His basic knowledge is going to explain the context of  
21 what he observed and investigated in those jails.

22 THE COURT: All right. I will overrule the  
23 objection.

24 BY MR. GORN:

25 Q So sir, I will ask you the question again, can you just



1 describe, based on your investigations, what is the basic  
2 structure of the Mexican Mafia from inside of those jails?

3 A So from my investigations, what I learned is that  
4 generally, one or more Mexican Mafia members will have control  
5 of a custody facility, and they will have individuals who we  
6 refer to as either a facilitator, which is a high level  
7 associate, or shot callers, which are below facilitator, which  
8 run certain portions of the custody facility; for instance, LA  
9 County Jail is very large.

10 MR. NOVAK: Objection 403, 702, motion to strike.  
11 I would like to approach.

12 THE COURT: Let me instruct the jury as follows:

13 As I indicated with certain of the witnesses, at least  
14 one of the witnesses who testified already, he was testifying  
15 as an expert witness; in other words, he was testifying based  
16 on his either knowledge, training, experience, or whatever, as  
17 to opinions that he formulated based on that.

18 I will instruct you later on that as an expert witness,  
19 they are to be treated as a normal witness is to be treated,  
20 except that they can offer opinions, based on their education,  
21 training, et cetera, et cetera.

22 The mere fact that an expert is called as a witness and  
23 even qualified as an expert, doesn't mean that everything that  
24 expert testifies to is true and correct.

25 In other words, they are judged the same standards of

1 credibility that any other witness is.

2 Normally, most persons who are considered to be of the  
3 other category, besides expert witnesses, just lay witnesses,  
4 lay witnesses are normally considered to be percipient  
5 witnesses, they either see or hear the specific event, they  
6 testify on what they saw or heard. Those are what is sometimes  
7 referred to lay witnesses.

8 Expert witnesses testimony is based on their training,  
9 experience, give us opinions. Most lay witnesses are not  
10 allowed to give opinions, unless there is some basis for their  
11 doing so.

12 So that's the difference between expert and lay  
13 witnesses.

14 So, for example, Officer Self was called to testify  
15 primarily as an expert witness.

16 He was allowed to testify in a brief area as a lay  
17 witness, but most of his testimony was based on expert  
18 testimony.

19 Do all of you understand that?

20 This officer is testifying on the basis of his lay  
21 witness -- I guess, as a lay witness.

22 In other words, he can testify as to what he saw or  
23 heard or did, et cetera, et cetera.

24 But unless otherwise called for, by some exception to  
25 the rule that lay witnesses are not allowed to give opinions,

1 most of what he is testifying to will be about what he saw or  
2 heard or did.

3 If he conducted an investigation, he can testify to what  
4 steps he took to conduct the investigation.

5 Do all of you understand that?

6 Let me ask the attorneys, do you want a sidebar still?

7 MR. NOVAK: Yes.

8 MR. KHOJAYAN: Yes.

9 (Sidebar begins.)

10 THE COURT: Yes.

11 MR. KHOJAYAN: Your instructions are correct, except  
12 Mr. Talamantez, Special Agent Talamantez, is only supposed to  
13 testify as a lay witness.

14 I thought he was going to come in and say, I went to the  
15 MDC, this is the investigation that I conducted.

16 Instead, he's improperly getting into the structure of  
17 the Mexican Mafia, which he was not noticed to be an expert  
18 witness, to provide that testimony.

19 We already heard that testimony from Deputy Self.

20 It is unnecessary, prejudicial, it violates Rule 16. We  
21 never received any notice. Both sides have continuously  
22 referred to Agent Talamantez as a lay witness, but here he is  
23 for the last -- all of these questions are --

24 THE COURT: Not all of the questions.

25 MR. KHOJAYAN: Most of the questions are laying the

1 foundation for an expert opinion, opinion about structure of  
2 the Mexican Mafia, all of his investigations of the Mexican  
3 Mafia, the way they run the prisons.

4 What is that?

5 It's not a lay witness testimony, that is expert  
6 opinion, which he wasn't supposed to give.

7 I move for a mistrial.

8 THE COURT: Are you guys going to move for a  
9 mistrial every single instance that you come up here?

10 MR. KHOJAYAN: Well, not every time.

11 MR. GORN: Your Honor, as stated in the government's  
12 trial brief, it's a very limited foundation, because he's going  
13 to be talking about the investigation now that he did from  
14 inside of the jails, and all of the context of that, and  
15 talking about the exterior investigation they did from outside.

16 There needs to be, at least, a minimum amount of context  
17 for him to describe what investigation he did.

18 It's not within a vacuum. We're not asking for any  
19 opinions or anything of the like, but a very basically modicum  
20 of understanding of the Mexican Mafia.

21 MR. NOVAK: The last question did ask an opinion  
22 about structure of the Mexican Mafia's operations, both on the  
23 streets and in the jail.

24 THE COURT: Let me stop you, I agree with you.

25 That will shut you up at this point in time.

1 MR. NOVAK: When the Court says, I agree, I always  
2 shut up.

3 THE COURT: You need to rephrase your question.

4 You can ask him how he conducted his investigation, and  
5 you can even ask him why he conducted his investigation in a  
6 particular way.

7 If you do that, it gets around a lot of problems that  
8 the counsel are objecting to, okay?

9 MR. GORN: Yes.

10 (Sidebar ends.)

11 MR. GORN: I'm sorry, I will wait for counsel to sit  
12 down.

13 BY MR. GORN:

14 Q Special Agent Talamantez, as part of your investigation in  
15 this case, did you look at the conduct within the jail system?

16 A Yes.

17 Q And did you find -- excuse me, as part of your  
18 investigation, did you investigate the influence of the Mexican  
19 Mafia inside of MDC, Metropolitan Detention Center?

20 A Yes.

21 Q And also as part of your investigation in this case, did  
22 you investigate the influence of the Mexican Mafia outside of  
23 the jail system?

24 MS. DERBY: Objection. Calls for conclusion.

25 Well, it's vague as to influence and it lacks

1 foundation.

2 THE COURT: Well, insofar as your objection as it to  
3 be somewhat ambiguous, let me ask the witness, do you  
4 understand the question?

5 THE WITNESS: Yes.

6 THE COURT: Okay.

7 As to the remainder of the objection, I will overrule  
8 the objection, but I will only allow the answers to be either  
9 yes, no, I don't understand the question as asked, or I cannot  
10 answer the question as asked.

11 Those are his four choices in response to that question,  
12 but now the question is, do you remember the question?

13 THE WITNESS: I do not.

14 THE COURT: Let me have the reporter read back the  
15 question.

16 (Record read back.)

17 THE WITNESS: Can I answer?

18 THE COURT: Yes, only one of the four responses.

19 THE WITNESS: Yes.

20 BY MR. GORN:

21 Q Throughout the investigations, what investigative  
22 techniques do you use in investigating the activities of the  
23 Mexican Mafia?

24 THE COURT: Is that question, relationship to the  
25 last question, are you talking about total or outside the

1 prison?

2 MR. GORN: We're talking about outside of the  
3 prison.

4 THE COURT: Okay.

5 BY MR. GORN:

6 Q Special Agent Talamantez, you can respond.

7 A The question was what investigative techniques do I use to  
8 investigate the Mexican Mafia outside of prison?

9 Q Yes.

10 A A number of different techniques can be used.

11 One, is because the Mexican Mafia is a prison gang, it  
12 does include some investigation within inside of custody  
13 facility to figure out how that conduct can relate to outside  
14 activity.

15 One of the main things that I do is listen to recorded  
16 jail phone calls, from within inside of custody facilities, to  
17 see if they are coordinating criminal activity with  
18 co-conspirators on the outside, and try to determine  
19 relationships they may have with each other.

20 It includes surveillance of the individuals that they're  
21 talking about.

22 It could include search warrants on those individuals.

23 It could include reviewing phone records, interviews  
24 being conducted or reviewing what is known as a kite  
25 communications, that are intercepted with inside of the prison,

1 and talking to people who are part of the organization that are  
2 providing information to law enforcement.

3 Q The people who are providing information to law  
4 enforcement, are those informants or cooperators?

5 A Yes.

6 Q And you mentioned those, how did they particularly assist  
7 you in your investigations in the case?

8 MR. KHOJAYAN: Objection. 403, calls for hearsay,  
9 701, 702, what we discussed at sidebar, Your Honor.

10 THE COURT: Rephrase your question.

11 BY MR. GORN:

12 Q You mentioned cooperators, how does that assist you or how  
13 does any information provided by a cooperator assist you in  
14 furtherance of your investigation of the Mexican Mafia?

15 MR. KHOJAYAN: Objection, 701, 702.

16 THE COURT: Why don't you lay a foundation first for  
17 the responses.

18 BY MR. GORN:

19 Q Sure. Have you spoken to cooperators about the substance  
20 of the Mexican Mafia?

21 A Yes.

22 Q How does speaking to cooperators assist you in learning  
23 about the Mexican Mafia?

24 MR. KHOJAYAN: Objection. Your Honor, he is  
25 supposed to testify as a lay witness. This is not a 702



1 witness.

2 THE COURT: Rephrase your question.

3 BY MR. GORN:

4 Q You said that you have previously spoken with cooperators  
5 regarding the Mexican Mafia; is that correct?

6 A That's correct.

7 Q Do you rely on cooperators in furtherance of your  
8 investigations of the Mexican Mafia?

9 A Their information is an important resource, yes.

10 Q Is it unusual for a cooperator, regarding the Mexican  
11 Mafia, to speak with law enforcement?

12 A It's difficult to get people to talk about the Mexican  
13 Mafia, yes.

14 Q Why?

15 A They are fearful. It's dangerous to cooperate with law  
16 enforcement for a gang member, specifically, one that is part  
17 of a Southern Hispanic gang -- Southern California Hispanic  
18 gang that answers to the Mexican Mafia.

19 Q I want to talk to you directly about jail calls, which you  
20 referenced as part of your investigative means in looking into  
21 the Mexican Mafia.

22 What is the importance of listening to jail calls from  
23 inside a jail to the outside world?

24 A It allows us to identify individuals who have influence  
25 within their gang, and what individuals they are working with

1 in order to conduct criminal activity.

2 Q Now, all of those jail calls that you listened to, are  
3 they ingoing calls to the jail or are they all outgoing calls  
4 from the jail?

5 A They are outgoing phone calls. Inmates are not allowed to  
6 receive incoming phone calls.

7 Q Okay. Now, I would like to direct your attention to this  
8 case as the lead case agent.

9 Did you oversee the investigation here?

10 A Yes, I was the lead investigator.

11 Q What is the focus of your investigation?

12 A The focus of the investigation was criminal activity in  
13 the City of Pomona and surrounding areas.

14 Q Approximately, when did your investigation begin?

15 A Approximately, 2012, around there.

16 Q During the course of your investigation, did you listen to  
17 jail calls?

18 A Yes.

19 Q How many jail calls do you think you have listened to in  
20 this investigation alone?

21 A Well over 100.

22 Q Have you reviewed documents relevant to the Mexican Mafia,  
23 such as jail records and communications?

24 A Yes.

25 Q Have you reviewed kites?

1 A Yes.

2 Q And based on your experience and knowledge, what is a  
3 kite?

4 A A kite is a communication usually done inside of a custody  
5 environment.

6 It is a message that is written very small, on a small  
7 piece of paper.

8 That message is written very small because it has to be  
9 transported some place within inside the custody facility,  
10 either hidden inside a property or hidden inside of somebody's  
11 body, so it could be transported without being confiscated by  
12 law enforcement.

13 Q Also, as part of this case, have you spoken to an  
14 associate or member -- excuse me -- an associate of the Mexican  
15 Mafia?

16 A Yes.

17 Q Have you and other law enforcement conducted search  
18 warrants related to this investigation?

19 A Yes.

20 Q Now, you mentioned that this investigation started around  
21 the City of Pomona.

22 Are you familiar with the City of Pomona?

23 A I am. Like I said, the task force is sponsored by the  
24 Pomona Police Department and that's where we have been  
25 headquartered since the inception of the task force.

1 Q So from your experience in the gang task force, do you  
2 know about the presence of the street gangs in the City of  
3 Pomona?

4 A Yes.

5 Q And as it relates to this case, could you briefly describe  
6 the Pomona gang makeup in that area?

7 A In Pomona?

8 Q Yes.

9 A Pomona has several Hispanic street gangs. It is somewhat  
10 unique in that sense. A lot of cities in San Gabriel Valley do  
11 not have the number of gangs that Pomona has, they  
12 predominantly have one single gang or maybe two.

13 Pomona has very many. They have Cherryville Pomona,  
14 Pomona 12th Street, Happy Town Pomona, North Side Pomona, South  
15 Side Pomona, Pomona Sur, West Ghetto Family, a number of gangs.

16 So when we started looking at them, you identify which  
17 ones are the most prominent, who are the most influential  
18 members, and you start from there.

19 Q I want to talk to you specifically about Cherryville and  
20 12th Street.

21 Are those neighboring gangs in the City of Pomona?

22 A Somewhat neighboring, they kind of split up the city in  
23 what areas they would operate it.

24 Q Is there a dividing line between the two?

25 A They would call the dividing line, the railroad tracks

1 that basically divide the City of Pomona, with Cherryville  
2 being on the north end of the railroad tracks, and 12th Street  
3 being on the south end.

4 Q Back in 2012 and 2013, is that when you began your  
5 investigation into Pomona gang activity?

6 A Yes.

7 Q Did that investigation eventually to defendants, Michael  
8 Lerma, Carlos Valencia Gonzalez, Jose Gonzalez, Juan Sanchez,  
9 as well as their associates?

10 A Yes. Let me clarify. I have been investigating gangs in  
11 Pomona since it's inception of the task force in 2007.

12 In 2012, that is when this investigation into Pomona  
13 became initiated, and it did include those defendants.

14 Q My counsel reminded me, it's Jose Valencia Gonzalez,  
15 correct?

16 A Jose Valencia Gonzalez, yes.

17 Q Thank you.

18 As to all of the defendants I just mentioned, are they  
19 originally from the Pomona area?

20 A Yes.

21 Q How do you know this?

22 A From previous investigations and contacts.

23 Q Now, beginning with Defendant Michael Lerma, was he ever  
24 part of a criminal street gang?

25 A Yes.

1 Q How do you know this?

2 A From my previous investigations in Pomona, talking to  
3 people and investigating.

4 Q What gang memberships did Michael Lerma have in the City  
5 of Pomona?

6 MR. NOVAK: Objection, 702 again.

7 MR. KHOJAYAN: 702, 704(b).

8 THE COURT: Let me have counsel on sidebar for just  
9 a moment.

10 (Sidebar begins.)

11 THE COURT: Let me ask, I presume that the question  
12 is prefatory.

13 You are going to ask the follow-up questions as to who  
14 told him what?

15 MR. GORN: Yes.

16 THE COURT: During the course of the investigation?

17 MR. GORN: Well, it's going to come out through the  
18 jail calls and the investigation as well.

19 MR. KHOJAYAN: Why can't we just play the jail  
20 calls?

21 Why is he giving the opinion of guilt of people, he is  
22 dancing around it, who is in the gang, what the basis of  
23 somebody being in a gang.

24 THE COURT: No. That's not what the question was.  
25 You have a copy of the question, so you should know what the

1 question actually is.

2 MR. KHOJAYAN: Well, he's going one by one for each  
3 defendant.

4 Why does this purportedly lay witness, think this member  
5 is a member of a gang.

6 THE COURT: No. He can basically state what his  
7 investigation was, and, you know --

8 MR. NOVAK: It's a conclusion. It's like a prelim  
9 testimony. He's summarizing his investigation to --

10 THE COURT: Let me check. The question was: What  
11 gang membership did Lerma have in the City of Pomona?

12 MR. KHOJAYAN: Which would require -- it's an expert  
13 opinion.

14 THE COURT: But he, I presume he is going to could  
15 ask, for example, what did your investigation show in regards  
16 to the membership of Lerma, the gang membership --

17 MR. NOVAK: I'm not saying there is not a  
18 foundation. I am saying he is asking for his opinion.

19 I believe that the appropriate thing is to call someone  
20 who is a percipient witness who has personal knowledge or an  
21 admissible document to show membership.

22 It's basically prelim testimony, summarizing the result  
23 of his investigation, for with a witness, who we don't have 702  
24 notice of. If we had 702 notice saying he is going to express  
25 the same opinions that the Court essentially excluded with

1 Deputy Self, then the Court would have said, no, this is  
2 improper opinion testimony, because it's too close to the  
3 allegations in the case.

4 He's basically saying, I have concluded that what is in  
5 the indictment is true, which is exactly what the Court has  
6 excluded --

7 MR. GORN: The defense counsel has already elicited  
8 that he was a 12th Street member.

9 MR. KHOJAYAN: It doesn't mean anything about gang  
10 membership.

11 THE COURT: Let me stop you. You just need to  
12 rephrase your question.

13 MR. GORN: As part to the investigation, what he  
14 learned about the gang membership.

15 THE COURT: Let me ask you this: You can ask him  
16 what -- just ask what specific aspects of your investigation  
17 showed any connection between Lerma and any street gangs.

18 MR. NOVAK: Doesn't that call for hearsay, or for  
19 him telling the jury --

20 THE COURT: He can state what his investigation was,  
21 by definition.

22 MR. KHOJAYAN: So he has, he's described search  
23 warrants, he has described listening of phone calls. I  
24 thought, frankly, after he described the steps he took, he is  
25 going to play phone calls.



1 But instead, it's opinions about gang membership, which  
2 he hasn't been given notice to do. It's improper --

3 THE COURT: Let me stop you. This is prefatory --

4 MR. GORN: To the jail calls --

5 THE COURT: The jail calls --

6 MR. GORN: They are talking about 12th Street and  
7 Cherryville and all of the jail calls. There needs to be basic  
8 foundation for how all of these players interrelate --

9 MS. DERBY: There needs to be foundation. He is  
10 laying this false foundation, saying Lerma is a gang member,  
11 then he's going to jump to jail calls. Just start playing the  
12 jail calls --

13 THE COURT: Let me stop you. You don't have control  
14 over the government's presentation of its evidence.

15 If the government has evidence of it, they can bring it  
16 out. He can testify as to what steps he took, insofar as  
17 investigating specific aspects.

18 If one specific aspect of the investigation was Lerma's  
19 connection to any of the gangs in Pomona, he can ask him, did  
20 you investigate the specific connections between Lerma and the  
21 gangs.

22 And if, in fact, that's what he was doing, he can  
23 testify to that.

24 He can say what, you know, what are the results of that  
25 investigation, he can also ask him that.

1 MR. NOVAK: If I may, the results of the  
2 investigation is what crosses the line from what I did, to what  
3 my opinion is, to what my conclusion is as an expert is.

4 Although, we can't control the order, if they play the  
5 calls and then they say, okay, you heard these words, what do  
6 these words mean, that is okay.

7 But that is not the same as, based on everything you  
8 did, what is your opinion about the membership of these people  
9 in these different organizations.

10 THE COURT: That wasn't the question he asked.

11 MR. NOVAK: It was pretty close to it.

12 THE COURT: It's not.

13 MR. GORN: I just want to be clear, from Your  
14 Honor's point, what is the next question the government can ask  
15 regarding the investigation and Defendant Lerma's 12th Street  
16 membership. I just want to be clear as to what is allowed.

17 THE COURT: It's not up to me to tell you what the  
18 questions you should be asking.

19 Last time I looked, I wasn't -- I was no longer an  
20 Assistant United States Attorney, and even then, I was in the  
21 civil --

22 MR. GORN: Your Honor instructed me on the follow-up  
23 question.

24 THE COURT: I won't instruct you on the follow-up  
25 question. You have able colleagues, who will prompt you. And

1 I'm sure you have a much willing audience of attorneys who are  
2 willing to object.

3 (Sidebar ends.)

4 BY MR. GORN:

5 Q Special Agent Talamantez, what steps did you take in  
6 investigating these specific aspects, like Defendant Lerma's  
7 connection to gangs in Pomona?

8 A I first started by trying to identify who I believe would  
9 be influential gang members within the Los Angeles County Jail  
10 so I could listen to their phone calls.

11 And also trying to find people in the City of Pomona  
12 that would talk to me about how things operate.

13 Q And what were the results of that investigation?

14 MS. DERBY: Objection. It's calling for an opinion.

15 THE COURT: Well, let me indicate to the witness,  
16 the question doesn't call for an opinion, it actually calls for  
17 what were the actual results of the investigation; in other  
18 words, what turned up.

19 THE WITNESS: That Cheryl Perez was the Senora  
20 running Pomona on behalf of Mr. Lerma.

21 MR. KHOJAYAN: Objection. Improper opinion. Move  
22 to strike.

23 THE COURT: I will strike it, unless there is  
24 foundation laid for the response.

25 MR. GORN: We can get into that later, it's fine for

1 now.

2 MS. DERBY: I think we need to strike it now.

3 MR. GORN: You can strike it now. We will get into  
4 it.

5 THE COURT: I will strike the response now. It may  
6 be coming in later on or not.

7 BY MR. GORN:

8 Q Special Agent Talamantez, looking around the courtroom  
9 today, are you able to identify the individual you know as  
10 Defendant Michael Lerma?

11 A Yes.

12 Q Can you please identify by stating an article of clothing  
13 and where they are seated today?

14 A The gentleman towards the back wearing the light blue  
15 collared shirt, moustache, shaved head.

16 MR. GORN: May the record reflect the witness's  
17 identification of Michael Lerma.

18 THE COURT: Yes.

19 MR. GORN: Do you know based on you investigation,  
20 any monikers that Defendant Mr. Lerma, used?

21 THE WITNESS: Pomona Mike or Big Mike.

22 BY MR. GORN:

23 Q Now, as part of your investigation, did you also look into  
24 Defendants Carlos Gonzalez, Jose Valencia Gonzalez and Juan  
25 Sanchez?

1 A Yes.

2 Q Starting with Defendant Carlos Gonzalez, how do you know  
3 that individual?

4 A Previous contacts, this investigation, and from listening  
5 to phone calls.

6 Q Previous contacts. Were those personal contacts?

7 A Some.

8 Q And as to Jose Valencia Gonzalez, how do you know him?

9 A Same.

10 Q Have you had personal contacts?

11 A Some.

12 Q And as to Defendant Juan Sanchez, how do you know him?

13 A From this investigations, reviewing incidents that have  
14 occurred and reports.

15 Q Looking around the courtroom today, are you able to  
16 identify the person that you know as Defendant Jose Valencia  
17 Gonzalez?

18 A Yes.

19 Q And can you identify that individual by indicating an  
20 article of clothing they are wearing and where they are seated  
21 today?

22 A In the second row, wearing glasses with the goatee, in a  
23 darker blue collared shirt.

24 MR. GORN: May the record reflect the witness's  
25 identification of Jose Valencia Gonzalez.

1 THE COURT: Yes.

2 BY MR. GORN:

3 Q Based on your investigation and personal contacts with  
4 Jose Valencia Gonzalez, the defendant, do you know what his  
5 moniker was?

6 A Swifty.

7 Q And I take it that you have spoken with Defendant Jose  
8 Valencia Gonzalez, do you -- are you able to identify his voice  
9 from speaking with him?

10 A His voice and in context, yes.

11 Q So I want to now, in the exhibit binder in front of you,  
12 if you can start looking at Exhibits 137 through 142.

13 If you can look at those, and when you are done look  
14 back at me.

15 A Okay.

16 Q Do you recognize the individual in Exhibits 137, through  
17 142?

18 A Yes.

19 Q Who is it?

20 A Jose Valencia Gonzalez.

21 Q Are those true and accurate photographs of Defendant Jose  
22 Valencia Gonzalez, as you know him?

23 A Yes.

24 MR. GORN: At this time, Your Honor, the government  
25 would move into evidence Exhibits 137 through 142.

1 THE COURT: Any objection?

2 MR. KHOJAYAN: No, Your Honor.

3 THE COURT: They are admitted.

4 (Exhibits 137 through 142 received into evidence.)

5 MR. GORN: Permission to publish?

6 THE COURT: All right.

7 BY MR. GORN:

8 Q Can we start with Exhibit 137?

9 Looking at Exhibit 137, is this an individual you  
10 recognized as Defendant Jose Valencia Gonzalez?

11 A Yes.

12 Q Now, you previously mentioned Cherryville gang in Pomona,  
13 correct?

14 A Correct.

15 Q Are you familiar, based on your investigation of  
16 Cherryville gang, any identifiers that members of Cherryville  
17 gang that you have seen previously, in your experience, have  
18 identified themselves as Cherryville gang members?

19 A Usually with cherries or ville, or Cherryville

20 Q And can we move to Exhibit 138.

21 And sir, looking at the exhibit of 138, were you able to  
22 find any identifiers as to Jose Gonzalez that were tattoos you  
23 believe or have seen previously rather on Cherryville gang  
24 members?

25 A Yes, he has cherries tattooed on him.

1 Q If you can go to Exhibit 139, please, an Exhibit 140, and  
2 Exhibit 141, and Exhibit 142.

3 So Special Agent Talamantez, did you identify any  
4 tattoos of note as they relate to Cherryville gang on Jose  
5 Valencia Gonzalez?

6 A Yes.

7 Q What did you identify?

8 A He has cherries with what appears to be the word, "ville,"  
9 written inside of them, on the left-hand side of his neck.

10 Q Can we zoom in on the left-hand side of his neck. Can we  
11 go to 137?

12 Zooming in on the neck, are you able to see in front of  
13 you, on the left side of the defendant's neck, what is  
14 indicated a tattoo for Cherryville gang?

15 A Yeah. It's a little bit blurry, but there are cherries  
16 with the word, "ville."

17 Q Are there any other identifiers that you saw on Defendant  
18 Jose Valencia Gonzalez?

19 A For Cherryville, I don't believe so.

20 Q Now, were you able to locate or review in law enforcement  
21 database, a photo of Jose Valencia Gonzalez when he was a  
22 little bit younger?

23 A Yes.

24 Q I now draw your attention to 142. If can you look at that  
25 and look at me when you are done.



1 A 142?

2 Q 142. Excuse me, one second.

3 I'm sorry, 506.

4 A 506.

5 Hold on different binder, okay.

6 Q Do you recognize the individual in that photo?

7 A Yes.

8 Q Who is it?

9 A Jose Valencia Gonzalez.

10 Q Is that a true and accurate photo of Jose Valencia  
11 Gonzalez, the defendant, from a little bit younger?

12 A Yes.

13 MR. GORN: Your Honor, at this time the government  
14 would move in 506.

15 MR. KHOJAYAN: No objection.

16 THE COURT: It's admitted.

17 (Exhibit 506 received into evidence.)

18 MR. GORN: Permission to publish?

19 THE COURT: Yes.

20 BY MR. GORN:

21 Q Sir, is this the individual that you identified as Jose  
22 Valencia Gonzalez?

23 A Yes.

24 Q If we can zoom in on the left side of the neck, is that  
25 the tattoo that you described earlier related to Cherryville

1 gang?

2 A Yes. It's still blurry, but there is less tattoo, so you  
3 can see it has the stems and leaves and the cherries with the  
4 word, "ville," inside of it.

5 Q Can you look at Exhibit 504?

6 A Yes.

7 Q Do you recognize the individual in that photo?

8 A Yes.

9 Q Who is that?

10 A Jose Valencia Gonzalez.

11 Q Is that a true and accurate photo of Jose Valencia  
12 Gonzalez?

13 A Yes.

14 MR. GORN: At this time, government would move into  
15 504.

16 THE COURT: Any objection?

17 MR. KHOJAYAN: It's cumulative, but no objection.

18 THE COURT: I will admit it.

19 (Exhibit 504 received into evidence.)

20 MR. GORN: Permission to publish?

21 THE COURT: Yes.

22 BY MR. GORN:

23 Q Zooming in on the left side of the defendant's neck, do  
24 you recognize what we're looking at?

25 A It's actually clear, when you don't zoom in, you can see a

1 better picture of the cherries and the ville.

2 Q How are you familiar with any tattoos related to  
3 identifying a Surenos?

4 A Generally, yes.

5 Q And you briefly talked about Surenos, but what are  
6 Surenos?

7 A Surenos is the term that is used to describe gang members  
8 from Hispanic gangs in Southern California, that collectively  
9 are under the Mexican Mafia umbrella and are the soldiers.

10 Q And then in your investigation and knowing Defendant Jose  
11 Valencia Gonzalez, did you see any tattoos on the defendant  
12 representing any Sureno?

13 A The tattoos that he had. They are indicative of that,  
14 they are the Aztec drawings and tattoos that he has.

15 The Surenos and the Mexican Mafia like to adopt the  
16 Aztec culture, for being warriors and portraying that they are  
17 soldiers.

18 MS. DERBY: Objection.

19 MR. KHOJAYAN: Move to strike soldiers, 403. Lay  
20 witness opinion, he's not a 702 witness.

21 THE COURT: You need to lay a foundation for that  
22 portion of his answer.

23 BY MR. GORN:

24 Q Okay. As part of your investigations, do you look into  
25 the makeup and the structure of Surenos?

1 A Yes.

2 Q And as part of your investigations, are you able to  
3 identify a hierarchy within Surenos and certain types of  
4 positions that Surenos have?

5 A Yes.

6 MR. KHOJAYAN: Objection. 702.

7 MR. GORN: This is the foundation, Your Honor.

8 THE COURT: I think you should be asking him on the  
9 basis of this investigation, did you look into those areas.

10 BY MR. GORN:

11 Q So on the basis of this investigation, did you also look  
12 into Surenos and the structures of Surenos?

13 A Yes.

14 Q In this investigation, did you investigate or learn about  
15 the different roles that Surenos have, as part of being a  
16 Sureno?

17 A Yes.

18 Q Are you familiar with the term soldier?

19 A Yes.

20 Q And what is a soldier, based on your investigation?

21 A Somebody who conducts criminal activity on behalf of the  
22 Mexican Mafia.

23 Q Now, I want to transition to Defendant Juan Sanchez,  
24 looking on the courtroom, are you able to identify the person  
25 you know as Juan Sanchez in court?

1 A Yes.

2 Q Can you please identify him by stating a article of  
3 clothing he is wearing and where they are seated?

4 A He's in the front row, wearing glasses in the white shirt  
5 with a blue tie.

6 MR. GORN: May the record reflect the witness's  
7 identification of Juan Sanchez?

8 THE COURT: Any objection?

9 MR. LASTING: No, objection.

10 BY MR. GORN:

11 Q As part of your investigation in this case, did you learn  
12 any monikers that Defendant Sanchez had?

13 A Yes.

14 Q What's that moniker?

15 A Squeaks or Squeaky.

16 Q I want to draw your attention to Exhibit 134 through 139?

17 A Okay.

18 Q Do you recognize the individual from all of those  
19 photographs from Exhibits 143 through 149?

20 A Yes.

21 Q Who is the individual in those photographs?

22 A Juan Sanchez.

23 Q Are those true and accurate photos of Defendant Juan  
24 Sanchez, as you know him?

25 A Yes.

1 Q At this time the government would move in Exhibits 133 to  
2 139.

3 THE COURT: Any objection? Admitted.

4 (Exhibit 133 through 139 received into evidence.)

5 MR. LASTING: No, Your Honor.

6 BY MR. GORN:

7 Q Beginning with Exhibit 143.

8 Is this individual that you identified as Defendant Juan  
9 Sanchez?

10 A Yes.

11 Q Also known as Squeaks?

12 A Yes.

13 Q I want to direct your attention to Exhibit 144.

14 I want to talk to you about the defendant's right hand.

15 Do you see a sign that says a letter P on the right  
16 forearm?

17 A Yes.

18 Q Based on your investigation in this case, does that have  
19 any relevance as to any gang membership or ties?

20 A It shows that he is from Pomona. It's just showing pride  
21 in the city.

22 Q Right below that, the tattoo which is says, 113 percent?  
23 Does that have any significance?

24 A Yes.

25 Q What does it show?

1 A From this investigation, I learned that the Surenos and  
2 Mexican Mafia put particular importance in the Number 13  
3 because it represents the 13th letter in the alphabet.

4 So in this case he's showing that instead of giving  
5 100 percent, he's giving 113 percent.

6 Q Now, looking at the defendant's left hand, do you see  
7 three dots there close to the thumb?

8 A Yes.

9 Q And as part of your investigation, were you able to  
10 determine any significance of those three dots that you see  
11 there?

12 A No.

13 Q Now, going to Exhibit 145.

14 Looking at the defendant's right forearm, do you see any  
15 tattoos there that are -- that you looked at as part of your  
16 investigation?

17 A Yes.

18 Q What did you see?

19 A You can see cherries on the inside of his right hand wrist  
20 that is just below what looks like Pomona.

21 Q We will zoom in there.

22 We zoomed in on the area of the defendant's right  
23 forearm with what appears to be cherries?

24 A Yes.

25 Q Was that what you noted in terms of any sort of gang

1 identifiers as part of your investigation in this case or was  
2 there anything else?

3 A I believe he has more Cherryville tattoos, but yes.

4 Q Let's go to Exhibit 146.

5 Looking at 146, are you able to identify any indicators  
6 of Pomona or Cherryville?

7 A Yes.

8 Q Can you just describe what is it that you are particularly  
9 looking at in Exhibit 146?

10 A The large cherries that are tattooed on his stomach.

11 Q Right above that, is there any wording you identify  
12 belonging to the City of Pomona?

13 A It's outline of the letters that spell out Pomona.

14 Q Now, in terms of looking at the defendant's neck, do you  
15 see any other indicia of Cherryville?

16 A Yes.

17 Q What is it that you see?

18 A That he has Cherryville in two separate words tattooed on  
19 his neck line.

20 Q Is that displayed in the zoomed-in photo we have now of  
21 Exhibit 146?

22 A Yes.

23 Q Now, if we can just zoom back out, and looking at the  
24 shoulders of the defendant, did you also note, a C and a V -- a  
25 C on the right shoulder and the V on the left shoulder?



1 A Yes.

2 Q As part of your investigation into Cherryville, did that  
3 have any significance?

4 A Yes.

5 Q What does it mean?

6 A Stands for cherry and then ville.

7 Q And we will get other exhibits for that 147, please.

8 Is that, in 147, does that display the V you just  
9 discussed?

10 A Yes.

11 Q And looking at Exhibit 148, is that the defendant's last  
12 name?

13 A It is.

14 Q And finally looking at Exhibit 149, I want to ask you in  
15 terms of Pomona gangs, is there a specific tattoo that you have  
16 learned in your investigation, called the rolling Ps?

17 A Yes.

18 Q What is a rolling P?

19 A The insignia that the City of Pomona uses. It's P's in a  
20 circle, you can see it on his right-hand elbow and a lot of the  
21 individuals will have that same tattoo.

22 Q Is that displayed there, the rolling P tattoo, you just  
23 described?

24 A Yes.

25 Q That is on Exhibit 149.

1 Now in terms of Sureno affiliation, are there any  
2 tattoos that, you know, based on your investigation that you  
3 have seen on Sureno members identifying the Surenos?

4 A Yes.

5 Q What types of tattoos do you know of?

6 A The two most that I have seen in this investigation, are  
7 either the words SUR, Sureno, or what is known as a kanpol  
8 which is the Aztec Number 13, which is represented by two bars  
9 equaling the number five and three dots.

10 They are each representing a one, which is ten, plus  
11 three, which is 13.

12 Q And in your investigation of Defendant Sanchez, did you  
13 see any tattoos that would affiliate or be identified as a  
14 Sureno tattoo?

15 A Now or before?

16 Q Now.

17 A Now, yes.

18 Q What?

19 A He has that SUR tattooed on the left-hand side of his head  
20 right now, that is also in a shape of a kanpol.

21 Q Now transitioning to Defendant Carlos Gonzalez.

22 Looking around the courtroom today, are you able to  
23 identify the person you believe is Defendant Carlos Gonzalez in  
24 court today?

25 A Yes.

1 Q Can you please identify them, by identifying an article of  
2 clothing they are wearing and where they are seated today?

3 A Sitting in the front row, wearing light blue shirt and a  
4 tie.

5 MR. GORN: May the record reflect the witness's  
6 identification of Defendant Carlos Gonzalez?

7 THE COURT: Any objection?

8 MR. NOVAK: No. Thank you.

9 THE COURT: That's fine.

10 BY MR. GORN:

11 Q Sir, I should say, Special Agent Talamantez, based on your  
12 investigation, did you learn of a moniker related to Defendant  
13 Carlos Gonzalez?

14 A Yes.

15 Q And what was that moniker you learned?

16 A Popeye.

17 Q I want to show you or direct your attention to  
18 Exhibits 150 through 157.

19 Do you -- if you could look at those and look back at me  
20 when you are done.

21 A Okay.

22 Q Special Agent Talamantez, do you recognize the individual  
23 in those exhibits?

24 A Yes.

25 Q Who is it?

1 A Carlos Gonzalez.

2 Q Are those true and accurate photos of Defendant Carlos  
3 Gonzalez, as you know him to be?

4 A Yes.

5 MR. GORN: Your Honor, at this time the government  
6 would move Government's Exhibits 150 through 157.

7 THE COURT: Any objection?

8 (Exhibits 150 through 157 received into evidence.)

9 MR. NOVAK: No, thank you.

10 MR. GORN: Permission to publish?

11 BY MR. GORN:

12 Q Sir, beginning with Exhibit 150, is this the defendant you  
13 identified as Carlos Gonzalez?

14 A Yes.

15 Q And you briefly described, as to the other defendants'  
16 tattoos indicative Cherryville.

17 Looking at this photograph, are there any tattoos that,  
18 based on your investigation, that are related to the  
19 Cherryville gang?

20 A Several.

21 Q Can you describe them, one by one, what you see in  
22 Exhibit 150?

23 A The first one is the cherries that is tattooed across his  
24 chin.

25 On each side of his shoulder he has a cherry, and then a

1 ville.

2 In the middle of the bottom of his neck line, he has a  
3 tattoo of a cherry.

4 Q So we will zoom in on the defendant's chin in the  
5 Exhibit 150.

6 What is zoomed in on, on the chin, is that what you  
7 described as the cherries tattooed on the defendant's chin?

8 A Yes.

9 Q If you can zoom out and into the neck line of the  
10 defendant, the zoomed in, there, in the middle, right below the  
11 neck, and at the top of the chest, is that the cherry you  
12 described?

13 A Yes.

14 Q If we could move on to Exhibit 151.

15 Looking at this photograph, are you able to identify any  
16 tattoos from your investigation linked to Cherryville?

17 A To Cherryville?

18 Q Yes. What are those?

19 A On his fingers he has tattoos of cherries with the stems  
20 coming out.

21 Q Is that on the left hand, the index finger and middle  
22 finger?

23 A Yes.

24 Q If we can zoom in.

25 Are those the cherries you described?

1 A They are.

2 Q And now, drawing your attention to the little finger on  
3 the left hand, displayed in Exhibit 151, zooming in on that, do  
4 you see what that is?

5 A Yes.

6 Q What is that?

7 A The Number 13.

8 Q As part of your investigation in this case, did that have  
9 any significance to you?

10 A Yes.

11 Q What was that significance?

12 A As I explained on the 113 percent, I learned in this  
13 investigation that the Number 13, is particularly important to  
14 the Mexican Mafia, because it's the 13th letter is the  
15 alphabet, which is M.

16 Many gangs will have the Number 13 to show allegiance to  
17 the Mexican Mafia.

18 Q Now, I want to draw your attention to Exhibit No. 153.

19 Do you see this photograph in front of you, sir?

20 A Yes.

21 Q And looking where the red bracelet appears to be on the  
22 defendant's left hand, do you see the tattoo behind that?

23 A Yes.

24 Q Can you just describe what you are seeing as its relevant  
25 to your investigation?

1 A Yeah, it's a little bit hard to see in this photo because  
2 his watch is blocking it, but the part that is visible is two  
3 bars with the word SUR spelled out inside of them.

4 Q What is the significance of SUR?

5 A SUR for Sureno, sir.

6 Q Now, looking at the stomach of the defendant, do you see  
7 the letters there or a word, Seferino?

8 A Yes.

9 Q As part of your investigation in this case, did the name  
10 or an individual by the name of Seferino Gonzalez, was that a  
11 focus of your investigation?

12 A It was.

13 Q As part of your investigation in this case, did you  
14 discover a link between Defendant Carlos Gonzalez and an  
15 individual named, Seferino Gonzalez?

16 A Yes.

17 Q And can you just describe, was there any familial  
18 relationship between Defendant Carlos Gonzalez, and Seferino  
19 Gonzalez?

20 A Yes. They are brothers.

21 Q As part of your investigation, do you know any familial  
22 relationship between Carlos Gonzalez and Jose Valencia  
23 Gonzalez?

24 A Yes.

25 Q What is that relationship?

1 A They are brothers.

2 Q Is it fair to say that Seferino Gonzalez, Carlos Gonzalez  
3 and Jose Valencia Gonzalez, are brothers?

4 A Yes.

5 Q I want to draw your attention going back to 153 of  
6 Defendant Carlos Gonzalez's right elbow.

7 If we zoom in on that, are you able to see that?

8 A Yes.

9 Q And what is that tattoo?

10 A It is the rolling P's tattoo.

11 Q I want to draw your attention now to Exhibit 154. Then to  
12 Exhibit 155.

13 Does that also show the Seferino tattoo?

14 A Yes.

15 Q If we can zoom in on the SUR tattoo on the left, is that  
16 the SUR tattoo you previously described?

17 A Yes, still partially covered by the watch, but you can see  
18 the two bars with the words SUR tattooed.

19 Q Understood.

20 So as part of your investigation, to have the two bars,  
21 is there a specific tattoo, you have identified as a kanpol?

22 MR. FURMAN: Objection. Asked and answered.

23 THE COURT: I will sustain the objection.

24 BY MR. GORN:

25 Q Now, I want to direct your attention to Exhibit No. 162.



1 A 162?

2 Q Yes.

3 A Okay.

4 Q Do you recognize the individuals in that photograph?

5 A Yes.

6 Q And what is this a photograph of?

7 A Who is it of?

8 Q Yes.

9 A It's of Robert Messersmith, Stretch, Chris Ferreira,  
10 Caveman, Michael Lerma, Jose Valencia Gonzalez, and Carlos  
11 Gonzalez.

12 Q Is this a true and accurate photograph depicting  
13 defendants Mike Lerma, Carlos Gonzalez, and Jose Valencia  
14 Gonzalez, as you know them to be?

15 A Yes.

16 MR. GORN: Your Honor, at this time, government  
17 would move in Exhibit 162.

18 THE COURT: All right. Any objection?

19 MR. KHOJAYAN: No, Your Honor.

20 MS. DERBY: No, Your Honor.

21 THE COURT: It's admitted.

22 (Exhibit 162 received into evidence.)

23 MR. GORN: Permission to publish, Your Honor.

24 THE COURT: Yes.

25 BY MR. GORN:

1 Q Can we zoom in on that photograph.

2 So looking at the man in the middle, wearing the black  
3 tank top, do you recognize that person?

4 A Yes.

5 Q Who is that person?

6 A Michael Lerma.

7 Q Now, to Defendant Lerma's left, it would be our right, the  
8 individual wearing the glasses.

9 Do you recognize who that is?

10 A Yes.

11 Q Who is that?

12 A Jose Valencia Gonzalez.

13 Q And to Jose Valencia Gonzalez's right, or his left, who is  
14 the individual at the end, wearing the black Nike shoes?

15 A Carlos Gonzalez.

16 Q Now, so you previously mentioned some names as to two  
17 other individuals.

18 Starting with the individual on the furthest left of  
19 this photograph, who is that?

20 A A guy known as Stretch, Robert Messersmith.

21 Q And the other individual to his right, who is that?

22 A It's an individual named Chris Ferreira, he goes by  
23 Caveman.

24 Q Now, we are fast forwarding a little bit, but were those  
25 two individuals later housed at MDC, 6 North around June

1 of 2020?

2 A Yes.

3 Q And in June of 2020 was Defendant Lerma also in unit 6  
4 North at MDC?

5 A Yes.

6 Q And to -- as to defendant Jose Valencia Gonzalez, was he  
7 also housed at Metropolitan Detention Center in June of 2020?

8 A Yes.

9 Q Was he also in 6 North?

10 A Yes.

11 Q And as to Defendant Carlos Gonzalez, in June of 2020, was  
12 he also at MDC in unit 6 North?

13 A Yes.

14 Q Now, not featured in this photograph, but Defendant Juan  
15 Sanchez, was he also in MDC in 6 North in June of 2020?

16 A Yes.

17 Q Now, as part of your investigation, and what you just  
18 described in the tattoos you saw, was your investigation  
19 focused in part on the Cherryville gang?

20 A Yes.

21 Q As part of your investigation, was that based on the facts  
22 here that -- excuse me, the evidence that you were obtaining  
23 linking Defendants Jose Gonzalez, Juan Sanchez, and Carlos  
24 Gonzalez to the Cherryville gang?

25 MS. DERBY: Objection. Leading and compound.

1 THE COURT: Rephrase the question.

2 BY MR. GORN:

3 Q As part of your investigation, did you have information  
4 linking Defendant Jose Gonzalez to the Cherryville gang?

5 MR. KHOJAYAN: Objection. 704(b).

6 MR. GORN: It's a lay opinion.

7 MR. KHOJAYAN: 403.

8 THE COURT: Let me have counsel on sidebar for just  
9 a second.

10 (Sidebar begins.)

11 THE COURT: Is there going to be an objection to  
12 what his investigation concluded?

13 MR. KHOJAYAN: In the sense, that he is going to  
14 say, that they are all apart of the Michael Lerma enterprise,  
15 that they are all members -- he's to be a lay witness that is  
16 supposed to play the phone calls, and not give an opinion.

17 THE COURT: He's going to testify as to his  
18 investigation, he conducted an investigation.

19 MR. KHOJAYAN: Very good.

20 THE COURT: I presume his testimony is going to be,  
21 well, what was the result of your investigation.

22 MR. FURMAN: That goes to one of the issues in this  
23 case, so that's -- in this case one of the things that the jury  
24 is going to be asked to decide at the end, so his testimony as  
25 a lay witness is a completely improper.

1 MR. KHOJAYAN: I will also add we have also heard  
2 testimony that was allowed of the tattoos and that is an  
3 indication of their membership in the Cherryville gang.

4 It's cumulative, he's going to repeat a member if the  
5 Cherryville gang.

6 MR. GORN: It's not cumulative, because we need to  
7 discuss the context of the jail calls, where they are  
8 discussing Cherryville, these specific defendants, and also  
9 Defendant Lerma's affiliation to 12 Street.

10 There is going to be structure evidence as to how the  
11 enterprise was operating in Pomona, despite two rival gangs not  
12 getting along on the streets.

13 But as Your Honor saw on the last exhibit, in prison  
14 they do get along, and all of that context needs to be laid for  
15 the jail calls to come in, to be understood by the jury.

16 MR. NOVAK: Calls are admissible.

17 Then the question is do we have an understanding about  
18 why street gangs with rivalries collaborate or whatever the  
19 government's question is, notwithstanding the street rivalry.

20 MR. GORN: Are you going to allow that opinion to  
21 come in?

22 MR. NOVAK: I think it's different from what is the  
23 result of this investigation.

24 The Court keeps saying he can testify to the result of  
25 his investigation. Were not in a preliminary hearing, and it

1 is 702 testimony.

2 MR. GORN: It's lay opinion, and it is not expert  
3 opinion.

4 He's using it based on his investigation, that he viewed  
5 these three individuals as part of Cherryville.

6 Based on his investigation, as we already laid out, the  
7 Defendant Lerma was a member of 12th street, and these are  
8 going to be reflected in the calls, and there is the tattoos  
9 that Your Honor saw.

10 THE COURT: No. Let me ask this: Maybe we should  
11 play the recorded calls, and he can indicate, you know, in the  
12 course of his investigation, you know, I mean --

13 MR. GORN: I was laying the general foundation  
14 before we get into those calls, as to how he made the  
15 determinations, Your Honor, just the general background. It is  
16 a very narrow question.

17 THE COURT: The way you are asking the questions,  
18 you could put all of the stuff in there, if you were to just  
19 ask the questions in a different way.

20 I think, what they are objecting to, in the end, is you  
21 are trying to get all of these conclusionary statements in, but  
22 you don't lay the preliminary, step by step by step, which is  
23 then, you did what in your investigation, why did you do this  
24 in your investigation, why did you -- what was the next step of  
25 the investigation, why did you do that in the investigation,

1 which is part and parcel of the investigation.

2 MR. KHOJAYAN: While we're here, I wanted to do this  
3 outside the presence of the jury.

4 One of the calls includes Bill McCord, who is deceased.  
5 But certainly to say, first of all, that he's deceased or not,  
6 is not relevant.

7 And in this murder case, it's going to sound like  
8 possibly these defendants had something to do with it, so I  
9 would ask that they not -- that's what came out -- that's not  
10 what came out in the Deshannon trial, it was left, he is  
11 deceased.

12 THE COURT: I presume there is no objection to the  
13 parties stipulating that the individual died in an automobile  
14 accident, totally unrelated to the case.

15 MR. NOVAK: Is that one of the results in the  
16 investigation, that he concluded.

17 MR. GORN: He spoke with Bill McCord and then he  
18 died.

19 MR. NOVAK: He died in a car accident?

20 MR. GORN: A motorcycle crash. I'm not eliciting he  
21 just mysteriously died.

22 MR. NOVAK: I would agree with the Court, it's the  
23 way the questions are asked, and the foundation. As I said  
24 before, he does have a foundation for his opinions, but he is  
25 not an opinion witness, so I know the government disagrees.

1 But when you say as a result of your investigation, what  
2 did you conclude, that is 702, and it's 702 in what we started  
3 out getting very, very close to sort of Category B of Deputy  
4 Self's testimony, which was improper opinion.

5 That's where we started here, I'm concerned we're just  
6 going back.

7 MR. KHOJAYAN: While we are at sidebar, I will also  
8 say as a lay witness, he can, of course, help the jury describe  
9 things that are vague and ambiguous in the calls, that is what  
10 701 says.

11 But a lot of these calls, when you read the transcripts,  
12 Your Honor, you will see that they are not vague and ambiguous.

13 What a pink slip is to a car, and other things that are  
14 -- further, I would also indicate he did not do any undercover  
15 work in this case.

16 So he has no foundation, and it's improper 702 opinion  
17 for him to opine what the jargon means.

18 We will get to it, but I want Your Honor to be aware of  
19 that. The case is *United States versus Freeman*.

20 MR. GORN: We're not getting into pink slips,  
21 counsel, you can make a timely objection.

22 THE COURT: I'm leaning to just playing the audios,  
23 you can ask some discussion as to what that relates to his  
24 investigation, et cetera.

25 MR. GORN: That was my next point.



1 THE COURT: Then why didn't you come up with that  
2 first, then we wouldn't have to do all of this stuff.

3 MR. GORN: Just one minor point.

4 (Sidebar ends.)

5 MR. GORN: Can we go back to Exhibit 153.

6 So showing you, again, what has already been admitted as  
7 Exhibit 153, speaking as to Seferino Gonzalez, did your  
8 investigation in 2012 and 2013, more specifically, start by  
9 listening to calls from Seferino Gonzalez or jail calls from  
10 Seferino Gonzalez?

11 A Yes.

12 Q Now, are you familiar with an individual named Cheryl  
13 Perez?

14 A Yes.

15 Q And are you aware of her having a daughter?

16 A Yes.

17 Q And did any of your investigation begin because of Cheryl  
18 Perez's daughter?

19 A I'm assuming that you are talking about -- she has several  
20 daughters, but I'm assuming you are talking about Sonia  
21 Castaneda?

22 Q Yes.

23 A It did not.

24 Q I want to show you an Exhibit of 508, if you can look in  
25 your binder.

1 A Okay.

2 Q Do you recognize an individual in that photograph?

3 A Yes.

4 Q Who is that?

5 A Seferino Gonzalez.

6 Q Is that a true and accurate photo, as you recognize  
7 Seferino Gonzalez?

8 A Yes.

9 MR. GORN: Your Honor, at this time government would  
10 move in Exhibit 508.

11 MR. KHOJAYAN: No objection.

12 THE COURT: It's admitted.

13 (Exhibit 508 received into evidence.)

14 BY MR. GORN:

15 Q If you can look at Exhibit 509, the next page?

16 A Okay.

17 Q Do you recognize that individual?

18 A Yes.

19 Q And who is that?

20 A It's still Seferino Gonzalez.

21 Q Is that a true and accurate photo of Seferino Gonzalez?

22 A Yes.

23 Q And, Your Honor, government would also move in  
24 Exhibit 509.

25 MR. KHOJAYAN: No objection.

1 THE COURT: It's admitted.

2 (Exhibit 509 received into evidence.)

3 MR. GORN: Permission to publish Exhibit 508 and  
4 509?

5 THE COURT: Yes.

6 BY MR. GORN:

7 Q Looking at 508, is that the individual you identified as  
8 Seferino Gonzalez?

9 A Yes.

10 Q As part of your investigation, did you learn any facts to  
11 connect him to the Cherryville gang?

12 A Yes.

13 Q What did you learn?

14 A That he is in fact a member of the Cherryville gang.

15 Q Have you previously met or spoken with Seferino Gonzalez?

16 A Yes.

17 Q Do you know his voice?

18 A Yes.

19 Q From your investigation, did you also learn a moniker that  
20 he used?

21 A Yes.

22 Q What was it?

23 A Spooky. Spooks.

24 Q In June and July of 2013, did you know where he was  
25 living?

1 A Yes.

2 Q And did you query law enforcement databases for his  
3 whereabouts?

4 A Yes.

5 Q I forgot to do this, can we publish the Exhibit 509, I  
6 believe.

7 So going back to 509 as you identified as Seferino  
8 Gonzalez.

9 Were you able to identify any tattoos you saw as part of  
10 your investigation that would relate to Cherryville gang?

11 A The cherries in the middle of his chest.

12 Q Is that his sternum? If we can zoom in, are those the  
13 cherries you have identified?

14 A Yes.

15 Q Okay. So I just mentioned looking at law enforcement  
16 databases for defendant -- excuse me, Seferino Gonzalez rather,  
17 were you able to find his location?

18 A Yes, I knew where he was.

19 Q Based on your law enforcement knowledge and the resources  
20 that were at your disposal, are you familiar with the Los  
21 Angeles Sheriff's Department Inmate Information Center?

22 A Yes.

23 Q And are you able to access that to find out whereabouts  
24 for specific inmates?

25 A Yes.

1 Q And I want to show you Exhibit 363.

2 If you can look at that in your binder.

3 A Okay.

4 Q Do you recognize that exhibit?

5 A Yes.

6 Q What is it?

7 A It's the Los Angeles County Sheriff's Department Inmate  
8 Information Center that is available to anybody who has got an  
9 Internet connection.

10 Q Is that true and accurate information as it relates to  
11 Seferino Gonzalez, where he was living in June and July  
12 of 2013?

13 A Yes.

14 MR. GORN: Your Honor, at this time government would  
15 admit 363.

16 MR. KHOJAYAN: No objection.

17 THE COURT: Admitted.

18 (Exhibit 363 received into evidence.)

19 MR. GORN: Permission to publish?

20 THE COURT: Yes.

21 BY MR. GORN:

22 Q Can we zoom in on the housing location on the middle of  
23 that document?

24 Now, looking at this document, does it reflect a housing  
25 location for Seferino Gonzalez?

1 A Yes.

2 Q And it says there, North County Correctional Facility,  
3 what is that?

4 A It is a jail that is part of the LA County system, that is  
5 in Castaic, by Magic Mountain.

6 Q As part of your investigation, are you able to get jail  
7 calls from the North County Correctional Facility?

8 A Yes.

9 Q I also want to zoom out, if we can go down.

10 If we can go to a bail amount.

11 Now, as part of your investigation, did you learn that  
12 Seferino Gonzalez was in custody for a charged offense?

13 A Yes.

14 Q Is there an outstanding bail amount for him while he was  
15 in custody for June of 2013?

16 A Yes.

17 Q Is that reflected here in the Inmate Information Center  
18 form that we're showing?

19 A It is.

20 Q And based on your investigation, did you know what  
21 Seferino Gonzalez was in custody for?

22 A Yes.

23 Q What was it?

24 A It was some crimes that were committed in the City of  
25 Pomona.

1 Q Now, I want to transition to another individual.

2 Do you know a person by the name of Kelly Deshannon?

3 A Yes.

4 Q How do you know her?

5 A Through this investigation and previous contacts.

6 Q When you have had previous contacts, have you previously  
7 spoken in person with her?

8 A Yes.

9 Q Are you able to identify her voice?

10 A Yes.

11 Q And as part of her investigation into this case, did you  
12 learn of Kelly Deshannon's role, as it played into your  
13 investigation?

14 A Yes.

15 Q And as part of your investigation, did you learn about any  
16 connection that Kelly Deshannon had to Seferino Gonzalez?

17 A Yes.

18 Q What was that connection?

19 A At the time of this case, she was his girlfriend and also  
20 acted as a secretary.

21 Q Based on your investigation, what does it mean to be a  
22 secretary?

23 A From this case, I learned that a secretary is somebody who  
24 helps an individual, who is inside of custody with tasks such  
25 as helping to collect money or pass messages or to carry on

1 activities that would otherwise be still taking place on the  
2 street.

3 Q And as part of your investigation, and listening to jail  
4 calls, were you able to determine any role that Seferino  
5 Gonzalez had as part of your investigation?

6 A Yes.

7 MS. DERBY: Objection. Vague as to role, and 702.

8 THE COURT: Well, lay a foundation for the answer.

9 BY MR. GORN:

10 Q Sure. Did you listen to jail calls in this case?

11 A I did.

12 Q Did you hear conversations that Seferino Gonzalez was  
13 having with Kelly Deshannon?

14 A Yes.

15 Q You previously described Kelly Deshannon as being a  
16 secretary, correct?

17 A Correct.

18 Q And from those communications with his secretary, were you  
19 able to determine, based on your investigation the role that  
20 Seferino Gonzalez had?

21 A Yes.

22 Q What was that role?

23 MS. DERBY: Objection. The evidence would speak for  
24 itself. His opinion is not valid at this point, and no  
25 foundation has been laid.



1 MR. GORN: Your Honor.

2 THE COURT: I will allow him to indicate after the  
3 transcript has been played, those portions which he references.

4 MR. GORN: Yes, Your Honor.

5 THE COURT: At this point.

6 MR. GORN: Okay. Going to now Exhibit 505, can you  
7 look at that?

8 We're going to go back to Kelly Deshannon.

9 THE WITNESS: Different notebook, hold on.

10 Okay.

11 BY MR. GORN:

12 Q Do you recognize that individual?

13 A Yes.

14 Q Who is this?

15 A Kelly Deshannon.

16 Q Is that a true and accurate depiction of Kelly Deshannon  
17 as you know her?

18 A Yes.

19 MR. GORN: At this time government would move in  
20 505.

21 THE COURT: Any objection?

22 MR. KHOJAYAN: No objection.

23 THE COURT: Admitted.

24 (Exhibit 505 received into evidence.)

25 MR. GORN: Permission to publish?

1 THE COURT: Yes.

2 BY MR. GORN:

3 Q Is this the individual in Exhibit 505 you identified as  
4 Kelly Deshannon?

5 A Yes.

6 Q Through your investigation, did you also encounter another  
7 individual named Cheryl Perez?

8 A Yes.

9 Q You already briefly mentioned her, but who is she?

10 A She's a Cherryville gang member, living in the City of  
11 Pomona, but was also the Senora for Mike Lerma.

12 MS. DERBY: Objection. Lack of foundation.

13 THE COURT: I think you need to lay a foundation for  
14 his answer to that question.

15 BY MR. GORN:

16 Q How do you know Cheryl Perez?

17 A This investigation and personal contacts in the City of  
18 Pomona.

19 Q Have you personally spoken with her before?

20 A Yes.

21 Q As part of your investigation in this case, did you listen  
22 to jail calls involving Cheryl Perez?

23 A Yes.

24 Q And in those jail calls, was she speaking with Seferino  
25 Gonzalez?

1 A Yes.

2 Q Was she also speaking with Kelly Deshannon?

3 A Yes.

4 Q In those conversations, was she also speaking with Jose  
5 Valencia Gonzalez, the defendant?

6 A Yes.

7 Q From those jail calls, were you able to determine what  
8 Cheryl Perez was doing, when she was speaking with all of the  
9 individuals I just mentioned?

10 MR. FURMAN: Objection. Compound, lack of  
11 foundation, improper opinion testimony.

12 MR. KHOJAYAN: Vague as to what she was doing.

13 THE COURT: Rephrase your question.

14 BY MR. GORN:

15 Q Sir, I wanted to direct your attention to Exhibit 507.

16 A Okay.

17 Q Do you recognize that photograph?

18 A Yes.

19 Q Who is that a photo of?

20 A Cheryl Perez.

21 Q Is that a true and accurate photo of Cheryl Perez as you  
22 know her?

23 A Yes.

24 MR. GORN: At this time, government would move into  
25 Exhibit 507.

1 THE COURT: Any objection?

2 MS. DERBY: No, Your Honor.

3 Mr. GORN: Permission to publish?

4 THE COURT: Admitted.

5 (Exhibit 507 received into evidence.)

6 BY MR. GORN:

7 Q Is this individual you identified as Cheryl Perez in  
8 Exhibit 507?

9 A Yes.

10 Q I want to ask you about another individual by the name of  
11 Trisha Perez.

12 Do you know who that is?

13 A Yes.

14 Q And have you previously spoken with her or as part of your  
15 investigation have learned who she is?

16 A I have spoken to her and learned who she is, yes.

17 Q And from your knowledge and speaking to her, do you know  
18 if she goes by any other last names?

19 A Trish Perez. At some point, I believe, she went by Trish  
20 Salas.

21 Q As part of your investigation, did she have any contacts  
22 with Defendant Michael Lerma?

23 A Yes.

24 Q And also Cheryl Perez, based on your investigation, did  
25 she have any contacts with Defendant Michael Lerma?

1 A Yes.

2 Q And if you can, excuse me, I need to bring in one more  
3 exhibit, Exhibit No. 502.

4 Do you recognize that individual?

5 A Yes.

6 Q And who is that individual?

7 A Trish Perez.

8 Q Is that a true and accurate photo representing Trisha  
9 Perez, as you know her?

10 A Yes.

11 MR. GORN: Your Honor, government moves to admit  
12 Exhibit 502.

13 MS. DERBY: No objection.

14 THE COURT: All right. Admitted.

15 (Exhibit 502 received into evidence.)

16 MR. GORN: Permission to publish?

17 THE COURT: Yes.

18 BY MR. GORN:

19 Q Sir, is that Trisha Perez?

20 A Yes.

21 Q As part of your investigation, did you look at financial  
22 records from this case?

23 A Yes.

24 Q Does the California prison system have inmate financial  
25 accounts?

1 A Yes.

2 Q Are you able to access those?

3 A Yes.

4 Q And from those accounts, are you able to see how people on  
5 the outside deposit money for inmates that are in California  
6 prison facilities?

7 MS. DERBY: Objection. Lack of foundation.

8 THE COURT: You need to lay a foundation for his  
9 ability to answer that question.

10 BY MR. GORN:

11 Q Are you familiar with JPay?

12 A Yes.

13 Q What is JPay?

14 A JPay is the way that the California Department of  
15 Corrections and Rehabilitation allows outside individuals to  
16 put money into a commissary account for inmates that are within  
17 their custody.

18 That money can then be used to buy commissary items or  
19 other goods that are sold by the California Department of  
20 Corrections.

21 MS. DERBY: Objection. Motion to strike. There is  
22 still no foundation as to how he has this knowledge.

23 THE COURT: I will sustain the objection. You need  
24 to lay the foundation.

25 BY MR. GORN:

1 Q Have you ever seen a JPay record before?

2 A Yes.

3 Q Have you reviewed JPay records before?

4 A Yes.

5 Q Do you use JPay records in investigations?

6 A Yes.

7 Q From your review of JPay records, what do JPay records  
8 show?

9 MS. DERBY: Objection, Your Honor. It lacks  
10 foundation.

11 THE COURT: I will allow him to indicate what he saw  
12 in the JPay records that he reviewed.

13 BY MR. GORN:

14 Q You can answer the question, what do JPay records show?

15 MS. DERBY: Objection. That is not answering the  
16 question that the Court indicated.

17 THE COURT: I would agree.

18 BY MR. GORN:

19 Q Based on your investigation in any JPay records you  
20 reviewed, what did JPay records show?

21 MR. KHOJAYAN: Objection. Best evidence rule.

22 THE COURT: Overruled.

23 MR. GORN: You can answer.

24 THE WITNESS: Money being deposited on the JPay  
25 account of Michael Lerma by Cheryl Perez and Trish Perez or

1 Trish Salas.

2 BY MR. GORN:

3 Q Through your investigation, were you able to retrieve  
4 financial JPay records from the prison account belonging to  
5 Michael Lerma?

6 A Yes.

7 Q Was there a specific correctional facility where Defendant  
8 Lerma had a JPay account?

9 A Yes.

10 Q What was it?

11 A Pelican Bay.

12 Q Did you request the JPay records for Pelican Bay as it  
13 related to Defendant Michael Lerma?

14 A Yes.

15 Q And dating back to 2012, did you locate financial records  
16 that were provided to you for the prison account for Defendant  
17 Michael Lerma?

18 A Yes.

19 Q In reviewing those records, did you specifically see  
20 records through that prison account between Cheryl Perez and  
21 Defendant Michael Lerma?

22 A Yes.

23 Q Did you also get JPay financial records from 2014 and 2015  
24 regarding Defendant Lerma's same JPay account?

25 A Yes.



1 Q Did you find in those years, financial records showing  
2 deposits between Defendant Lerma's account and Trisha Perez?

3 A Yes.

4 Q And in those financial records, regarding Trisha Perez was  
5 it under the name of Trisha Perez or Trisha Salas?

6 A I believe it was Trish Salas.

7 Q Sir, I want to show you -- it is Exhibit 350 in your  
8 binder.

9 A Okay.

10 Q Do you recognize that exhibit?

11 A Yes.

12 Q What is it?

13 A It is the printout of the JPay account summary for Michael  
14 Lerma.

15 Q Is that a true and accurate record that you received as  
16 part of your investigation in this case?

17 A Yes.

18 MR. GORN: Your Honor, at this time the government  
19 would move to admit Government's Exhibit 350, the JPay record,  
20 concurrently along with the 90211 certificate that is  
21 Exhibit 367.

22 THE COURT: Any objection?

23 MS. DERBY: No, Your Honor.

24 THE COURT: It's admitted.

25 (Exhibit 367 received into evidence.)

1 MR. GORN: Permission to publish to the jury. It  
2 will be 350.

3 BY MR. GORN:

4 Q If we can start with the first page.

5 Can you see the Exhibit 350, page 1, in front of you?

6 A Yes.

7 Q Is this a copy of the 90211, the certification of business  
8 records regarding your request for the JPay records belonging  
9 to defendant, Michael Lerma?

10 A Yes.

11 Q If we can go down, one more page to page 2.

12 Is that the signed certification for the business  
13 records regarding the JPay accounts?

14 A Yes.

15 Q Now, going to page 3, why do you look at documents like  
16 this as part of your investigation?

17 A To establish connections between individuals that are  
18 being investigated and individuals who are on the street.

19 Q So you are looking for personal or financial contacts  
20 between individuals outside and outside of facilities and those  
21 that are inside of facilities?

22 A Yes.

23 Q I want to direct your attention to the first deposit which  
24 will be February 8th, 2012.

25 MS. DERBY: Objection. That misstates the document.

1 THE COURT: Rephrase the question.

2 BY MR. GORN:

3 Q On the bottom of the page, do you see a date of February  
4 8th, 2012?

5 A Yes.

6 Q And if we could -- can you just explain for that row, as  
7 part of your investigation, did you look at this financial  
8 transaction?

9 A Yes.

10 Q And what did this financial transaction show to you?

11 A It showed that on February 8th of 2012, Cheryl Perez made  
12 a deposit of \$120 on to Michael Lerma's JPay account while he  
13 was housed in Pelican Bay State Prison.

14 Q Can we go to date of 9/11 right above it?

15 As part of your investigation, did you look at a deposit  
16 on 9/11, 2012 from Cheryl Perez?

17 A Yes.

18 Q Is that highlighted here in that row?

19 A It is.

20 Q And as part of your investigation, what did you find as to  
21 that 9/11/2012 transaction?

22 A Cheryl Perez deposited a \$100, on the JPay account of  
23 Michael Lerma while he was housed at Pelican Bay State Prison.

24 Q Can we go to the deposits on October 14, 2014.

25 Do you see a deposit on October 14, 2014?

1 A Yes.

2 Q As part of your investigation, did you review that  
3 document and did it have significance as part of your  
4 investigation?

5 A Yes.

6 Q What was it?

7 A That it appears to be Cheryl Perez's daughter, Trish,  
8 depositing \$150 on to the JPay account of Michael Lerma while  
9 he was housed at Pelican Bay State Prison.

10 Q Going to a deposit on December 24th, 2014.

11 As part of your investigation, did you know any  
12 relevance as to this deposit?

13 A Yes.

14 Q What is that relevance?

15 A It appeared to be the daughter of Cheryl Perez, Trish  
16 Salas, depositing \$200 on to the JPay account of Michael Lerma  
17 while he was housed at Pelican Bay State Prison.

18 Q Drawing your attention to June 2014, as part of your  
19 investigation, did you notate a deposit on this date, between  
20 Trisha Salas or Perez and Defendant Michael Lerma?

21 A Yes.

22 Q What was the significance, if any, as to your  
23 investigation to their deposit?

24 A It was another deposit on to the JPay account of Michael  
25 Lerma. This time for \$100 and at this time, Michael Lerma

1 appears to be housed in the Corcoran State Prison, not Pelican  
2 Bay State Prison.

3 Q Directing your attention to August 26, 2015, as part of  
4 your investigation, did you know any significance as to this  
5 transaction?

6 A Yes.

7 Q Who is this -- or who is this transaction from?

8 A It is again from a Trish Salas of \$100 on to the JPay  
9 account of Michael Lerma, who is still at Corcoran Prison.

10 Q So were all of these deposits from Cheryl Perez and her  
11 daughter, Trisha Perez, to defendant, Michael Lerma, while he  
12 was in custody?

13 A Yes.

14 Q And in your own words, what is the significance of  
15 payments like these as it relates to your investigation?

16 MS. DERBY: Objection. Calls for an opinion.

17 THE COURT: Rephrase your question.

18 BY MR. GORN:

19 Q In your lay opinion, was there any reason why you looked  
20 at these documents to further your investigation?

21 A Yes.

22 Q What was it?

23 A To establish or to determine if there was a connection  
24 between the two individuals.

25 Q In your opinion, was there a connection?

1 A Yes.

2 Q Is that displayed because of these financial transactions?

3 A And further investigation, yes.

4 Q At a certain point in your investigation, did you focus on  
5 a July 2013 assault with a firearm incident in the City of  
6 Covina?

7 A Yes.

8 Q For some of us that don't know that area, where is Covina?

9 A Covina is approximately the middle of the San Gabriel  
10 Valley, off of the 10 freeway, neighboring West Covina, which  
11 is the larger city.

12 Q As that investigation progressed, did you obtain  
13 information that led to, I believe, that Seferino Gonzalez,  
14 Kelly Deshannon, Defendant Jose Gonzalez and Cheryl Perez were  
15 involved in that assault?

16 A Yes.

17 Q In summary, what did you investigate and what did you  
18 find?

19 A In summary --

20 MS. DERBY: Objection, Your Honor. Calls for a  
21 conclusion and a very lengthy answer that we're not able to  
22 properly assess and object to.

23 MR. KHOJAYAN: Narrative, 702, 403.

24 THE COURT: I will allow him to respond to what in  
25 fact, he did investigate.

1 I will allow that first part. As to the second portion,  
2 we will see what happened to the first part, after his answer.

3 THE COURT: Before we do that, why don't we take a  
4 break, we will start again at 11 o'clock.

5 (The jury exits the courtroom at 10:45 a.m.)

6 THE COURTROOM DEPUTY: Please come to order.

7 THE COURT: We're missing some people.

8 Let me ask counsel, somebody wanted to bring something  
9 to my attention?

10 MS. LUCAS: No, Your Honor. Yes, Your Honor, Amy  
11 Lucas for Defendant Sanchez.

12 I have been sitting here listening to many of these  
13 objections and sidebars, and, you know, to avoid running up to  
14 podium and having a sidebar every time this comes out, I think  
15 we need to lodge our objection and concerns with you and talk  
16 to you about it.

17 I have been looking at the case law, I know that *Serna*  
18 was cited in a lot of the motions in limine briefing that  
19 predated trial.

20 And the concern we have with Agent Talamantez is that a  
21 key element of RICO is the structure organization, and  
22 management of the affairs of the racketeering enterprise that  
23 the government alleges.

24 And they are supposed to be proven by facts. And they  
25 should be coming in through documents and wiretaps and

1 cooperating witnesses, and undercover officers, and the like,  
2 instead of law enforcement opinions, especially on a case  
3 agent.

4           *Serna* was actually a case that was decided in the  
5 context of experts. Even worse, here, in *Serna* they said it is  
6 not appropriate, you can't have a highly partisan police  
7 officer coming in and establishing the elements of your case  
8 through someone who is offering opinions instead of offering  
9 facts.

10           That is exactly what we're seeing here. Every time he  
11 is asked, and what did you conclude, what did that mean to you.

12           The jury is supposed to be looking at facts, so the  
13 problem we have is if he wants to come in and authenticate  
14 documents or photographs, or put in a wiretap that he recorded,  
15 subject to any other objections under the rules of evidence,  
16 that would be fine.

17           But having him say, as an undisclosed expert, who we  
18 don't have a Rule 16 disclosure for, we don't have his prior  
19 testimony, we don't have what his opinions are, tying it up  
20 with a bow, based on his 22 years of being a law enforcement  
21 agent and investigating this case for over a decade or whatever  
22 it was he testified to, is highly prejudicial, and it's not  
23 appropriate.

24           THE COURT: Let me hear a response from the  
25 government.



1 MR. GORN: We're not asking based on his 22 years of  
2 experience. We're not asking going back for all of this time,  
3 we're saying, based on your investigation, what did your  
4 investigation show as to this or that.

5 And right now, we're getting into the calls. We're  
6 always talking about the underlying facts of the case, when  
7 this witness is talking about the status of his investigation,  
8 and what he did.

9 And in terms of -- I don't know any specific really  
10 objections at this point, I think right now, what counsel has  
11 just described is very broad, but in terms of the specific  
12 testimony as to gang membership, we went through all of the  
13 tattoos and he's identifying all of these things as part of his  
14 investigation, regarding the gang membership, which now ties  
15 into our calls, which is what we're listening to, is discussing  
16 racketeering activity as it relates to 12th Street and  
17 Cherryville, in Pomona.

18 But there needs to be an underlying foundation as to who  
19 these players are, when they are coming up in the calls.  
20 That's what we have from this agent.

21 MS. LUCAS: We don't see any distinction between  
22 asking what was your conclusion in this investigation versus  
23 what is your conclusion based on your 22 years of experience.

24 It's all still an opinion that was undisclosed. Even if  
25 it had been disclosed, which it wasn't, it's inappropriate to

1 prove elements of the crime through expert opinion.

2 THE COURT: Well, are you saying that the RICO  
3 elements cannot be established through expert opinion?

4 MS. LUCAS: What I'm saying is, gangs existence, and  
5 organization and history, should therefore, be proven through  
6 undercover officers, cooperating witnesses, admissions by  
7 defendants, co-conspirators statements, physical evidence,  
8 documents, videos, photographs, wiretaps and recordings, not  
9 through opinions of law enforcement who are, quote, highly  
10 partisan.

11 THE COURT: Do you have something to add?

12 MS. DERBY: The only thing I would add is, this  
13 would be so streamlined, let's start playing the documents, the  
14 recordings, the search warrants.

15 Let's get into the evidence instead of asking him his  
16 conclusions, what are his thoughts about after he did X, Y, Z.  
17 Let's put on the evidence.

18 THE COURT: Let me just ask, I had thought that the  
19 RICO was the Mexican Mafia.

20 MR. NOVAK: The RICO is the Michael Lerma cell.

21 THE COURT: No, the Michael Lerma cell is, I  
22 precluded reference to Michael Lerma cell.

23 MR. NOVAK: No. That's what the indictment says  
24 what the Court precluded is expert testimony, that there is  
25 such a thing.

1 THE COURT: The reference to Michael Lerma cell,  
2 it's not going to be the Michael Lerma cell, but the RICO is  
3 the Mexican Mafia.

4 MR. NOVAK: That's not what the indictment says.  
5 The indictment says that the enterprise is the Michael Lerma  
6 cell of the Mexican Mafia.

7 THE COURT: No. What they are describing is a  
8 portion of the Mexican Mafia.

9 MR. NOVAK: But what Ms. Lucas --

10 THE COURT: In other words, they have to establish  
11 that there is -- in other words, the RICO is the Mexican Mafia.

12 What we're talking about now, is the activities of a  
13 portion of the Mexican Mafia.

14 MR. NOVAK: The enterprise is defined -- the  
15 enterprise is defined in the indictment as the Michael Lerma  
16 cell of the Mexican Mafia.

17 What Ms. Lucas is saying, is that, she's right, this  
18 Court has already precluded testimony by an expert.

19 THE COURT: No.

20 MR. NOVAK: About --

21 THE COURT: No. That's not what this Court  
22 precluded insofar as the reference to the Michael Lerma cell.

23 I said they could not reference the Michael Lerma cell.

24 MR. NOVAK: No, I'm going back to the Court's ruling  
25 on the scope of Deputy Self, which this testimony has driven a

1 hole through the Court's order.

2 That is what we are saying. We are using a  
3 non-designated expert to testify to what the Court said an  
4 expert cannot testify to, because the case law said it must be  
5 proved through percipient witnesses.

6 THE COURT: Everybody knew -- that Detective Self  
7 was going to talk about the Mexican Mafia, and clearly the  
8 Mexican Mafia is a RICO enterprise.

9 Now, this particular case, is not involving the entire  
10 Mexican Mafia, it's concerns about the particular acts, the  
11 overt acts that are the subject matters of the indictment.

12 I agree with you on that, they do have to establish that  
13 through testimony.

14 But in terms of the overall context of the RICO  
15 activity, it's the Mexican Mafia.

16 MS. DERBY: Your Honor, I would just note that the  
17 objection to the Michael Lerma cell, was the use of the word  
18 cell.

19 So it could be called the Michael Lerma franchise.

20 THE COURT: You are trying to back door these  
21 things, you had so many objections to the reference to the  
22 Michael Lerma cell, saying it's so prejudicial.

23 And now you are saying, well, actually it is a cell, we  
24 don't want it to be called a cell, but we want the concept of  
25 the cell to be the subject matter of action. Then you

1 shouldn't have been objecting to the reference to the term, the  
2 Michael Lerma cell.

3 MR. FURMAN: Your Honor, can I be heard on that?

4 I wrote that pretrial motion. As I wrote in my response  
5 to the government's opposition, we don't have any opposition to  
6 talking about the enterprise, because that is what the  
7 government has alleged, is that this is about the Michael Lerma  
8 enterprise.

9 We specifically noted words like, "cell," were  
10 prejudicial, but I don't think that changes the scope of what  
11 the government's alleged and what they need to prove.

12 THE COURT: What we're all talking about is the  
13 activities that are -- alleges the overt acts in this case,  
14 which are the murder, which are the attempted extortion,  
15 insofar as the car is concerned, those things are going to be  
16 the subject matter of this action.

17 So, you know, in other words, the RICO is a sub-portion  
18 of the Mexican Mafia.

19 In other words, individual members, criminal activities,  
20 as part of the overall Mexican Mafia, I guess, if you wanted to  
21 call it, like, some people wanted to refer to it as the  
22 franchise, it was the particular actions of a franchise.

23 MS. LUCAS: I think, Your Honor, what the objection  
24 is about, is about proving that enterprise, however you want to  
25 phrase it, cell, enterprise, Michael Lerma enterprise, proving

1 it through the opinions of the lead law enforcement agent, who  
2 obviously is of the opinion that the cell exists or the  
3 enterprise exists, and all of the things in the indictment are  
4 true, because he is the lead investigating officer who has been  
5 investigating, who has come to that conclusion, otherwise we  
6 wouldn't be sitting here.

7 But is his opinions, that we are highly concerned about.

8 No. 1, because it's opinions at all.

9 No. 2, they are being offered as expert opinions, and  
10 applying facts to draw opinions when he's not designated as an  
11 expert. Even if he were, it would still be inappropriate to  
12 do.

13 MR. KAHAN: There is a distinction between expert  
14 and lay opinion testimony.

15 I think the briefing that I provided this Court,  
16 regarding Detective Self, actually highlights the key cases  
17 that discuss this.

18 *United States verses Holguin*, 51 F.4th 841, talks about  
19 how testimony of government lay opinion, in that case, a  
20 summary witness for a gang, is typically backed up by testimony  
21 regarding investigative activities that could have supported a  
22 witness's lay opinion about who players are, their lay opinion  
23 about a person's membership in a gang, so long as there is a  
24 proper foundation, such as listening to hours of jail calls.

25 I believe that is *United States versus Gatson*, 763 F.3d.

1 1189.

2           The *United States versus Barragan*, 871 F.3d. 689, so  
3 long as what my colleague has been doing, is laying the  
4 foundation for, I have looked at all of these photographs of  
5 cherries on these guys and Sureno on these guys.

6           I have listened to phone calls between Seferino Gonzalez  
7 and Cheryl Perez and Jose Valencia Gonzalez, because I have  
8 done this investigative techniques, which he has described, I  
9 conform the lay opinion as to who fits in the structure, who is  
10 part of a gang, that is proper lay opinion, so long as the  
11 foundation has been laid, and that is what is present here.

12           *Holguin* explicitly allows for that. The only real  
13 distinction there is --

14           THE COURT: Let me stop both sides. This is very  
15 educational.

16           I'm bringing the jury back in.

17           If you want a particular ruling, make it at a time when  
18 I'm not keeping the jury waiting.

19           MR. KAHAN: I'm not asking for a ruling, I'm  
20 providing the Court --

21           THE COURT: I didn't say you were.

22           I will entertain the rest of it at a break or something,  
23 we're keeping the jury waiting.

24           I'm going to bring the jury back.

25           MS. LUCAS: We should address it at a later point,

1 sir.

2 The point was, we didn't want to keep jumping up and  
3 objecting, if we could get clarity on what he is or is not  
4 allowed to do, for the record.

5 THE COURT: Feel free to just make your record.

6 MS. LUCAS: Thank you, Your Honor.

7 THE COURTROOM DEPUTY: All rise.

8 (Jury enters the courtroom at 11:15 a.m.)

9 THE COURT: All right. We will continue with the  
10 direct examination.

11 MR. GORN: Thank you, Your Honor.

12 BY MR. GORN:

13 Q Special Agent Talamantez, as part of your investigation  
14 did you learn of a person by the name of William McCord?

15 A Yes.

16 Q And how do you know him?

17 A I spoke to him, and I know that he was an inmate in the LA  
18 County Jail.

19 Q Was he an inmate in LACJ around June and July of 2013?

20 A Yes.

21 Q Now, as to William McCord, did he go by Bill McCord?

22 A Yes.

23 Q And is it true that William McCord died as a result of a  
24 motorcycle cycle accident?

25 A That's correct.



1 Q And that was after your investigation in this case,  
2 correct?

3 A That's correct.

4 Q I want to show you an exhibit, if you can refer to  
5 Exhibit 503.

6 A Okay.

7 Q Do you recognize the individual in that photograph?

8 A Yes.

9 Q Who is it?

10 A It's William McCord.

11 Q Is that a true and accurate photo of who you know, William  
12 McCord or Bill McCord to be?

13 A Yes.

14 Mr. GORN: Your Honor, the government would ask to  
15 move in 503 and publish.

16 MS. DERBY: No Objection.

17 THE COURT: Admitted.

18 (Exhibit 503 received into evidence.)

19 MR. GORN: Publishing Exhibit 503.

20 Is that Bill McCord?

21 THE WITNESS: Yes.

22 BY MR. GORN:

23 Q Around June and July of 2013, do you know where he was  
24 living?

25 A Yes.

1 Q Where was that?

2 A The North County Correctional Facility of the LA County  
3 Jail.

4 Q Did you hear through jail calls, communications between  
5 Bill McCord and Seferino Gonzalez?

6 A Yes.

7 Q Now, based on your knowledge of this investigation, 2013,  
8 was Bill McCord ever part of a Sureno gang of any kind, as far  
9 as you know?

10 A Let me clarify.

11 I heard them speak on the phone together. They weren't  
12 calling each other, they were both inmates.

13 Q Understood.

14 A What was your question?

15 Q Based on your knowledge of this investigation, in 2013,  
16 was Bill McCord ever part of a Sureno gang?

17 A No.

18 Q As part of your investigation, when you were looking at  
19 jail calls, did you pinpoint and focus in on jail calls from  
20 Seferino Gonzalez?

21 A I did.

22 Q Did you review those jail calls?

23 A Yes.

24 Q In preparation of testifying today, did you previously  
25 review Government's Exhibits 200 through 232?

1 A Yes.

2 Q Then did you also review Government's Exhibit 293 and 294?

3 A Yes.

4 Q Just briefly, what are those exhibits? There might be two  
5 binders, actually.

6 A It's definitely two binders. Without getting the numbers  
7 back again, they are essentially CDs that contain the clips of  
8 the phone calls.

9 Q And are those the exhibits from calls that were provided  
10 to you by LASD Task Force Officer, Devon Self?

11 A Yes.

12 Q And as part of reviewing those exhibits, did you also  
13 review transcripts for each of those calls that would be marked  
14 as 200A through 232A, as well as 293A, through 294A?

15 A Yes.

16 Q And did you review all of the English portions of the  
17 transcripts with those corresponding calls?

18 A Yes.

19 Q Were those transcripts, to your knowledge, and from your  
20 review, were they true and accurate as they related to the  
21 audio contained in all of the Exhibits 200 to 232, 233 and --  
22 excuse me, 293 and 294?

23 A As best as we could, yes.

24 Q Is it fair to say that sometimes the quality of the jail  
25 calls is not perfect?

1 A That is very correct to say, yes.

2 Q Why is that?

3 A A lot of use inside of the jail, probably heavy use, not  
4 taken the best care of, so there is a lot of noise inside of  
5 custody.

6 You know, they are talking sometimes in the middle of  
7 dorms. There is a lot of background noise.

8 Q Is it fair to say that it is not from a telephone booth?

9 A That is correct.

10 Q And when you reviewed Exhibits 200 through 232, as well  
11 as, 293 and 294, were those true and accurate clips of the  
12 audio calls that Devon Self provided to you?

13 A Yes.

14 MR. GORN: Your Honor, at this time, the government  
15 would move in Exhibits 200 to 232, as well as, Exhibits 293 and  
16 294?

17 THE COURT: Any objection?

18 MR. KHOJAYAN: Yes, there are several 403  
19 objections, I would like Your Honor to consider.

20 One is, objection 403 and 207. I would like Your Honor  
21 to read the transcript. 207 is misleading and highly  
22 prejudicial, especially given the charges in this case.

23 215 is also 403, it's misleading and involves a  
24 completely different incident, not related to the VICAR counts.  
25 It's misleading in that regard.

1           216, same thing, misleading, entirely different  
2 incidents.

3           MR. GORN: What number, counsel?

4           THE COURT: 216.

5           MR. KHOJAYAN: 216, 215, 217, 218 are all unrelated  
6 to the VICAR counts and it's misleading, especially given the  
7 dates that phone calls -- it gives the implication that it's  
8 related to the VICAR counts, when it's not.

9           MR. GORN: This is a speaking objection. I would  
10 oppose counsel's objection.

11           THE COURT: Let me stop. I understand the nature of  
12 the objection. What is the government's response?

13           MR. GORN: I would ask it be conditionally admitted.  
14 Counsel can make the relevant objections.

15           THE COURT: Well, the problem is, if it's going to  
16 be played, the bell will be rung. It can't be un-rung.

17           Let me ask this, I presume there are a lot of other  
18 transcripts -- why don't I look at those over lunch.

19           I will give you my ruling over lunch, you give me the  
20 transcripts of those and I will take a look over the lunch.

21           MR. KHOJAYAN: I have no objection to the others,  
22 207, 215, 218, what I object --

23           THE COURT: But give me the transcripts now.  
24 Somebody give me the transcripts now.

25           MR. GORN: Can we approach with the transcripts?

1 THE COURT: Sure. All right. So, at this point in  
2 time then, we will be playing transcripts?

3 MR. GORN: We will be playing the audio calls, and I  
4 would also ask, though, to move in the relevant transcripts,  
5 for all of those exhibits as well.

6 THE COURT: All right.

7 MR. GORN: Those are inter laid with the audio calls  
8 that will be published to the jury.

9 THE COURT: Let me indicate to the jury a couple of  
10 things.

11 First of all, these calls will be in English or in  
12 Spanish, I can't remember. There will be a combination, I  
13 guess.

14 MR. GORN: Most of them are in English. There are  
15 portions -- there are a few calls, only seven, that include  
16 some limited Spanish.

17 THE COURT: Let me indicate to the jury as to these  
18 transcripts.

19 First of all, when the item is an exhibit, the exhibit  
20 as to recordings in the English language, it's actually the  
21 recordings themselves that are the evidence.

22 The transcript is simply provided as, like, an aid, or  
23 an assistance to you. If you hear something different than  
24 what is in the transcript, what you hear is actually the  
25 evidence.

1           So the evidence is what is actually spoken in the  
2     recording, not the transcription.

3           However, if there is a recording of some material that  
4     is in another language, and there is a translation that is  
5     provided to you, the evidence at that point in time of the  
6     foreign language, with the foreign language, is actually the  
7     official translation.

8           So even though some of you may know the language that's  
9     being spoken in the recording, you are not to use your own  
10    interpretation, you are supposed to use the interpretation that  
11    is provided in official translation.

12          But I will give you a following provision, if somebody  
13    feels the translation is so botched and you know the language,  
14    I will allow you to raise your hand and bring it to my  
15    attention, that is something that is bothering you, and I will  
16    attempt to resolve it with the parties.

17          But unless you have that situation again, any foreign  
18    language, you have to rely on the official translation.

19          Do all of you understand that? Okay.

20          MR. GORN: As to that, though, the remaining  
21    exhibits, are those moved into evidence at this time?

22          THE COURT: Which ones?

23          MR. GORN: That would be everything besides 207,  
24    215, 216, 217, 218.

25          THE COURT: I didn't hear an objection to all of the

1 other recordings, so I presume the answer is yes.

2 MR. NOVAK: The recordings.

3 MR. GORN: Not the transcripts, but the Spanish  
4 transcripts, the government would ask they be admitted, Your  
5 Honor.

6 MR. KHOJAYAN: No objection.

7 THE COURT: So yes, they are admitted.

8 MR. NOVAK: And that is 207, through 215 -- 207 and  
9 215.

10 MR. GORN: 207 and 215.

11 THE COURT: 207, 215 are not admitted at this time.  
12 I'm reviewing 207, 215 through 218.

13 Mr. NOVAK: Thank you, sir.

14 MR. GORN: Yes.

15 THE COURT: So are we ready?

16 MR. GORN: So directing your attention to  
17 Exhibit 200 from July 27th, 2013, playing from the beginning to  
18 ten seconds in.

19 (Audio played in open court.)

20 BY MR. GORN:

21 Q So were you able to hear the recording?

22 A Yes.

23 Q It is so loud I think all of us could.

24 This recording that says, this is a prepaid call from  
25 Seferino.



1 Do you recognize who says the name, Seferino?

2 A Yes.

3 Q And based on your knowledge, who is the person saying the  
4 name, Seferino?

5 A Seferino Gonzalez.

6 Q And where does the recording state that Seferino Gonzalez  
7 is making the call from?

8 A North County Correctional Facility.

9 Q Based on your review of the jail calls, that LASDTFO Devon  
10 Self provided to you, does this excerpt play on every single  
11 outgoing call from every inmate call in the LASD facility?

12 A Yes.

13 Q So even though these excerpts that you review, don't have  
14 this admonition, this came with every one of those calls,  
15 correct?

16 A Every call begins with the same admonition, and it's  
17 periodically repeated throughout the phone call.

18 Q As part of your investigation, around June and July  
19 of 2013, did you learn any information that Seferino Gonzalez  
20 fell into a financial debt?

21 A Yes.

22 Q And who did he become indebted to?

23 A Cheryl Perez.

24 Q How were you able to determine that specifically?

25 A From listening to the jail calls of Seferino Gonzalez.

1 Q Turning your attention to now, government's Exhibit  
2 No. 201 from June 27th, 2013.

3 You reviewed that exhibit before coming in to court  
4 today, correct?

5 A Yes.

6 Q We will just play that beginning and stop it.

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q Do you recognize the male voice that says, what did Cheryl  
10 say?

11 A Yes.

12 Q Who was that?

13 A Seferino Gonzalez.

14 Q Based on your listening to these calls, were you able to  
15 determine who Seferino Gonzalez is referring to, when he said  
16 Cheryl?

17 A Yes.

18 Q And who is that?

19 A Cheryl Perez.

20 Q From this call, were you able to determine who the woman's  
21 voice belonged to?

22 A Yes.

23 Q Who is that?

24 A Kelly Deshannon.

25 Q When Ms. Deshannon says, I have about \$2,000 that she gave

1 us, who do you believe Kelly Deshannon was referring to?

2 MS. DERBY: Objection. Calls for speculation.

3 THE COURT: I will sustain the objection. You have  
4 to rephrase it.

5 MR. GORN: Sure.

6 BY MR. GORN:

7 Q Did -- based on the call, did Ms. Deshannon reference who  
8 she was talking to?

9 A Yes.

10 MS. DERBY: Objection. The call can speak for  
11 itself.

12 MR. GORN: I could rephrase.

13 BY MR. GORN:

14 Q As part of your investigation, Special Agent Talamantez,  
15 from this call, did you believe that Seferino Gonzalez was in  
16 debt?

17 A Yes.

18 Q And from this call, as part of your investigation, did you  
19 believe that he was -- he was in debt to Cheryl Perez in part?

20 A Yes.

21 MS. DERBY: Objection. There is no foundation.  
22 Just play the call.

23 MR. GORN: We did.

24 THE COURT: Again, you are not wearing black like I  
25 am.

1 I don't think you can order that. I understand your  
2 position. Rephrase the question.

3 BY MR. GORN:

4 Q In your opinion, from reviewing this jail call, do you  
5 believe that Kelly Deshannon was referring to Cheryl?

6 A Yes.

7 Q And that is Cheryl Perez?

8 A Yes.

9 Q When Ms. Deshannon references Swifty in the call, based on  
10 your opinion, did you understand this to mean defendant, Jose  
11 Valencia Gonzalez?

12 A Yes.

13 Q And can you just describe, based on your opinion, what was  
14 the arrangement being described as it related to defendant,  
15 Jose Valencia Gonzalez in this case?

16 MR. KHOJAYAN: Object. Speculation, lacks personal  
17 knowledge.

18 THE COURT: You need to lay a foundation for that.

19 BY MR. GORN:

20 Q Was there anything, in particular, about this call, that  
21 made you believe there was an arrangement between Jose Valencia  
22 Gonzalez, Cheryl Perez, and Seferino Gonzalez?

23 MR. KHOJAYAN: Objection. Improper lay opinion,  
24 speculation.

25 THE COURT: Rephrase the question.

1 BY MR. GORN:

2 Q As part of your investigation, did you look at this call  
3 as a call that showed a debt between Seferino Gonzalez and  
4 Cheryl Perez?

5 A Yes.

6 Q As part of your investigation, did you note anything  
7 particular about defendant, Jose Valencia Gonzalez's  
8 involvement in this call?

9 A Yes.

10 Q Did you make a determination or form an opinion based on  
11 this call as to what defendant Jose Valencia Gonzalez  
12 involvement was?

13 MR. KHOJAYAN: Objection. Improper lay opinion.

14 MS. DERBY: Objection, calls for speculation.

15 THE COURT: You can attempt to rephrase the  
16 question.

17 BY MR. GORN:

18 Q We will move to Exhibit 202 from July 1st, 2013.

19 Special Agent Talamantez, did you also review this call  
20 before coming into court today?

21 A Yes.

22 Q And if we can just play the first ten seconds of this  
23 call.

24 (Audio played in open court.)

25 BY MR. GORN:

1 Q So sir, do you recognize the first man's voice in  
2 Exhibit 202?

3 A Yes.

4 Q And whose voice does that belong to?

5 A Seferino Gonzalez.

6 Q And is Seferino Gonzalez from this call, the individual  
7 that said Cheryl is going to put up the money, no matter what  
8 dude, the 4- to \$5,000, the whole \$5,000?

9 A Yes.

10 Q And the woman's voice that followed, that said yes, and I  
11 will agree to do it, whose voice does that voice belong to?

12 A Kelly Deshannon.

13 Q And we will keep playing now.

14 (Audio played in open court.)

15 BY MR. GORN:

16 Q Referring to the period where Seferino Gonzalez says that  
17 car is not being sold for whatever reason.

18 Is part of your investigation, did you focus on a car  
19 that Seferino Gonzalez was attempting to obtain?

20 A Yes.

21 Q And as part of this call, did you view that his statement  
22 about this car not to be sold for whatever reason was going to  
23 play a part in your investigation?

24 MS. DERBY: Objection. Calls for speculation, which  
25 car.

1 MR. KHOJAYAN: Vague, Your Honor.

2 THE COURT: Rephrase the question.

3 BY MR. GORN:

4 Q Referring to the period where Seferino Gonzalez states  
5 that the car is not to be sold for whatever reason, from your  
6 review of the jail calls in this case, what is Seferino  
7 Gonzalez talking about?

8 A In this call, he's talking about his car that he shares  
9 with Kelly Deshannon, a Chrysler, that they are providing the  
10 pink slip for, as collateral.

11 MS. DERBY: Objection. Lack of foundation for that  
12 opinion.

13 THE COURT: You need to lay the foundation for his  
14 response.

15 BY MR. GORN:

16 Q Sure. We will move to Exhibit 203.

17 For July 1st of 2013, if we can start from the beginning  
18 and play until the end. Thank you.

19 (Audio played in open court.)

20 BY MR. GORN:

21 Q The woman's voice in this call, are you able to identify  
22 that woman's voice?

23 A Yes.

24 Q Who is it?

25 A Kelly Deshannon.

1 Q And the male voice?

2 A Seferino Gonzalez.

3 Q As part of your investigation, did you look at this phone  
4 call?

5 A Yes.

6 Q And why did you look at this phone call as part of your  
7 investigation?

8 A To understand a debt that Seferino owed to Cheryl.

9 MS. DERBY: Objection. Calls for speculation, lacks  
10 foundation.

11 THE COURT: Overruled. He's indicating why he  
12 looked at it.

13 BY MR. GORN:

14 Q And as part of your investigation, did you look at the  
15 fact that Seferino Gonzalez stated that he was worried about  
16 being quote, whacked?

17 MS. DERBY: Objection. Leading.

18 THE COURT: I will sustain the objection. Can you  
19 rephrase the question?

20 BY MR. GORN:

21 Q Around the time of this phone call in July of 2013,  
22 July 1st, did you listen to jail calls where Seferino Gonzalez  
23 indicated a plan by which he would pay Cheryl Perez back?

24 A Yes.

25 Q What was that plan based on your review of the jail calls?



1 MS. DERBY: Objection. The calls will speak for  
2 themselves.

3 MR. GORN: This is a summary witness, Your Honor.

4 THE COURT: Well, let me put it this way, is that  
5 conversation going to be played back?

6 MR. GORN: Yes.

7 THE COURT: Well, I will simply -- I will sustain  
8 the objection, but at the time the recording is played back,  
9 you can ask the witness, is that the recording that you were  
10 referencing here.

11 MR. GORN: Yes, Your Honor.

12 THE COURT: Okay.

13 BY MR. GORN:

14 Q We will go to Exhibit 224.

15 (Audio played in open court.)

16 BY MR. GORN:

17 Q By July 14th, 2013, when this call was made, did you find  
18 any information from the jail calls that a debt was repaid  
19 already to Cheryl by Seferino Gonzalez?

20 MS. DERBY: Objection. Lack of foundation.

21 THE COURT: I will allow him to answer that  
22 question, yes, no, I do not understand the question as asked,  
23 or I cannot answer the question as asked. It's only those four  
24 choices.

25 THE WITNESS: Can you repeat?

1 BY MR. GORN:

2 Q Up until July 2013, when you reviewed the jail calls, did  
3 you ever hear a call by which Seferino Gonzalez had paid back a  
4 debt to Cheryl Perez?

5 A No.

6 Q So on this call from July 14th, 2013, as part of your  
7 investigation, did you find any relevance as to the part of  
8 Seferino Gonzalez airing out that he thought he would end up  
9 dead?

10 MR. FURMAN: Objection. Calls for improper  
11 testimony.

12 MS. DERBY: Your Honor, there is no foundation.

13 MR. GORN: It's been played. His opinion is it  
14 furthers his investigation.

15 THE COURT: I will allow you to rephrase the  
16 question, but we will see.

17 BY MR. GORN:

18 Q Based on your investigation, your review of the phone  
19 calls, and your knowledge of the individuals in this call, did  
20 you form an opinion as to what Seferino Gonzalez is referring  
21 to when he says he would end up dead?

22 MR. FURMAN: Objection. Improper opinion testimony.

23 MR. KHOJAYAN: Speculation.

24 THE COURT: Let me have counsel on sidebar.

25 (Sidebar begins.)

1 THE COURT: For them, it's a walk in the park.

2 Let me ask, are you going to be citing to other  
3 evidence? I don't understand what basis this witness is going  
4 to give a response to that question, unless it's going to be  
5 referring to something else.

6 If you have something else, why don't you refer to  
7 something else.

8 MR. GORN: We're talking about the jail calls here.

9 THE COURT: I understand that, but in other words,  
10 you are asking this witness to give an explanation of this  
11 comment.

12 I don't understand what the basis is for him giving a  
13 further explanation of this comment, it says what it says.

14 MR. GORN: No, but it talks about all this is about  
15 the motivation of why he's about to steal the car and the  
16 assault and everything that is going on, because he needs to  
17 know --

18 THE COURT: There is references to these recordings  
19 about a debt.

20 MR. GORN: Yes.

21 THE COURT: Okay. But all of the other stuff you  
22 are talking about, I don't see the connection.

23 All it says, he is afraid of ending up dead, because  
24 something has to be taken care of.

25 On what basis is this witness going to say, what it is

1 that this is going to be taking care of, unless you are going  
2 to cite to something else, and it is going to come in the  
3 evidence, in which case you can ask him about the other item --

4 MR. GORN: The thing is about these calls, they are  
5 cinched together, in terms of their relevance.

6 Your Honor can't look at one call, and say what does  
7 this say.

8 It should be conditionally approved, to cinch to other  
9 calls, that are coming in right after, about the car he's about  
10 to steal.

11 THE COURT: Well, refer to the other --

12 MR. GORN: What I said, based on the calls.

13 THE COURT: But he hasn't identified any of the  
14 other calls. I don't know what he's talking about.

15 MR. GORN: We will play all of the calls.

16 THE COURT: No, what you do is you play all of the  
17 calls, then you go backwards and then you see this portion.

18 Does this statement here, relate to this statement here  
19 and on what basis are you stating what it refers to.

20 MR. GORN: We will streamline it.

21 THE COURT: I don't know if it will streamline it,  
22 but it will make more sense.

23 MR. GORN: Okay.

24 (Sidebar ends.)

25 BY MR. GORN:

1 Q Going to Exhibit 204 from July 14th, 2013, did you also  
2 review that exhibit?

3 A Yes.

4 Q And if we can just play.

5 (Audio played in open court.)

6 BY MR. GORN:

7 Q Is the male voice in that call, are you able to identify  
8 that individual?

9 A Yes.

10 Q Who is that?

11 A Seferino Gonzalez.

12 Q And the woman's voice in the call, who is that?

13 A Kelly Deshannon.

14 Q Now, as for context, when Seferino is talking about going  
15 away for a long time, is he referring to another individual  
16 that you know?

17 A Yes.

18 MS. DERBY: Objection. Lacks foundation,  
19 speculation.

20 THE COURT: You can refer to some other transcript  
21 or something like that, you know, but otherwise, I will sustain  
22 the objection.

23 MR. GORN: We will go to another exhibit,  
24 Exhibit 205. Did you review that exhibit before coming to  
25 court today?

1 THE WITNESS: Yes.

2 BY MR. GORN:

3 Q That is from July 6, 2014. We can start playing here.

4 (Audio played in open court.)

5 BY MR. GORN:

6 Q Now, the man's voice in this call, do you recognize who  
7 that is?

8 A Yes.

9 Q Who is that?

10 A Seferino Gonzalez.

11 Q And the woman in the call, do you know who that is?

12 A Yes.

13 Q Who is that?

14 A Cheryl Perez.

15 Q Now, did you also review Exhibit 206, a jail call from  
16 July 6, 2013?

17 A Yes.

18 Q If we can just load that up and play it.

19 (Audio played in open court.)

20 BY MR. GORN:

21 Q So the first man's voice, is that Seferino Gonzalez?

22 A Yes, it is.

23 Q And later in the call, the individual that says, yeah,  
24 yeah, yeah, 624.

25 Do you recognize that person's voice?

1 A Yes.

2 Q Who is that?

3 A William McCord.

4 Q And the woman in the phone call, do you recognize whose  
5 voice that is?

6 A Yes.

7 Q Who is that?

8 A Kelly Deshannon.

9 MR. GORN: If we can continue playing.

10 (Audio played in open court.)

11 BY MR. GORN:

12 Q The mention of Erica, from the context of this call, are  
13 you able to determine who Erica is?

14 A Yes.

15 Q Is that part of your investigation?

16 A Yes.

17 Q And who is Erica?

18 A Erica Newell.

19 Q Now, I want you to just briefly step away from the call,  
20 and if you can pull up Exhibit 500, if you have that binder.

21 A Okay.

22 Q Do you recognize Exhibit 500?

23 A Yes.

24 Q What is that an exhibit of?

25 A Erica Newell.

1 Q Is that a photograph of Erica Newell?

2 A It is.

3 Q Is that a true and accurate photo of who you know Erica  
4 Newell to be?

5 A Yes.

6 Q Have you previously interacted with her?

7 A Yes.

8 MR. GORN: Your Honor, at this time government would  
9 move Exhibit 500 into evidence.

10 MR. KHOJAYAN: No objection.

11 THE COURT: All right. It's admitted.

12 (Exhibit 500 received into evidence.)

13 MR. GORN: If we could briefly publish.

14 Publishing to the jury, Exhibit 500, is that the person  
15 you know as Erica Newell?

16 THE WITNESS: It is.

17 BY MR. GORN:

18 Q Have you spoken with her previously?

19 A I have.

20 Q Now, I want to go to Exhibit 208.

21 And you reviewed 208 before coming to court today?

22 A Yes.

23 Q That is another excerpt of a jail call?

24 A Yes.

25 Q From July 9th, 2013. If we can play to the end.



1 (Audio played in open court.)

2 BY MR. GORN:

3 Q Exhibit 208, the man's voice in this phone call, who is  
4 that?

5 A Seferino Gonzalez.

6 Q Excuse me, I misspoke. This is from July 10th, 2013,  
7 correct?

8 A July 10th.

9 Q And the woman's voice in that call, who does that voice  
10 belong to?

11 A Cheryl Perez.

12 Q Moving on to government's Exhibit 209, from July 11th,  
13 2013.

14 Did you also review that exhibit before coming to court  
15 today?

16 A Yes.

17 Q Is that another excerpt from a jail call?

18 A Yes.

19 Q And if we can just play that?

20 (Audio played in open court.)

21 BY MR. GORN:

22 Q Sir, we stopped about 15 seconds into the call.

23 Do you recognize the male voice in this call?

24 A Yes.

25 Q Who is that?

1 A Seferino Gonzalez.

2 Q And the woman's voice in the call, who is that?

3 A Kelly Deshannon.

4 MR. GORN: You can continue playing.

5 (Audio played in open court.)

6 THE COURT: Would that be a good time to stop?

7 MR. GORN: Can I identify the voices on the call?

8 THE COURT: Sure.

9 BY MR. GORN:

10 Q Special Agent Talamantez, did you recognize the male's  
11 voice in this call?

12 A Yes.

13 Q Who is it?

14 A Seferino Gonzalez.

15 Q As for the woman's voice in Exhibit 209, do you recognize  
16 who that is?

17 A Yes.

18 Q Who's that?

19 A Kelly Deshannon.

20 MR. GORN: Are we going to break for lunch?

21 THE COURT: Let me ask the jury to come back at five  
22 after 1:00.

23 Please do not talk about this case.

24 Have a very pleasant lunch, I will see you back at five  
25 after.

1 (Jury exits the courtroom at 12:00 p.m.)

2 THE COURTROOM DEPUTY: You may be seated.

3 (Lunch recess.)

4 THE COURTROOM DEPUTY: Please be seated. This  
5 United States District Court is again in session.

6 THE COURT: Let me ask counsel, have you resolved  
7 any matters while I was at lunch?

8 MR. KAHAN: No.

9 THE COURT: That is to be expected.

10 MS. NG: Your Honor, there is one matter, we had one  
11 witness, FBI Trevor Twitchell, he's the government's interstate  
12 nexus expert.

13 Unfortunately, he's unavailable for all next week, but  
14 he is here today, and we have raised this with defense counsel  
15 and we would ask for the Court's permission if we could  
16 possibly have Agent Twitchell testify out of turn today and  
17 even now?

18 THE COURT: Sure. Let me ask the defense counsel,  
19 any problem?

20 MS. DERBY: No objection.

21 MR. KHOJAYAN: No objection, Your Honor.

22 THE COURT: Let me ask, insofar as the objected to  
23 transcripts, let me ask the government, what is the relevance  
24 of 207, 215 and 216?

25 MR. GORN: Can I have just one moment, Your Honor?

1 THE COURT: Sure.

2 MR. GORN: So, Your Honor, this is in regards to  
3 getting the car and they are talking about Jose Valencia  
4 Gonzalez.

5 THE COURT: Which particular transcript are you  
6 talking about?

7 MR. GORN: I'm talking about 207A.

8 THE COURT: It doesn't mention a car.

9 MR. GORN: But the greater context of this and what  
10 is happening, remember --

11 THE COURT: Let me stop you. I don't mind the  
12 greater context, but again, it's not show here, and so when you  
13 are talking about greater context, I suppose you are talking  
14 about something else that links this conversation and puts it  
15 in the context of the greater context. So you have to tell me  
16 what that item is, which I don't see, you haven't pointed it to  
17 me, that is the problem I have.

18 MR. GORN: If I could just have one moment. So in  
19 succession, because there is multiple days of these calls,  
20 where Seferino Gonzalez is trying to get this car, Your Honor  
21 has already heard that they're talking and discussing about  
22 introducing defendant Jose Valencia Gonzalez into this, that is  
23 Seferino's brother, they are talking about him -- inserting  
24 into this to forcibly take the car.

25 THE COURT: How do we know that the term "your

1 brother" means that brother? He has more than one brother.

2 MR. GORN: Because, Your Honor, what we have in the  
3 jail calls, we're always talking about Jose Valencia Gonzalez.

4 THE COURT: I'm glad you know that.

5 MR. GORN: Carlos Gonzalez is not mentioned in the  
6 calls that we're producing to the jury as to this. The  
7 evidence as it shows and as it plays out in all of the calls is  
8 that defendant Jose Valencia Gonzalez is the individual that is  
9 doing this.

10 THE COURT: It might be something, but that's the  
11 problem. I can understand that is the contention, but you just  
12 kind of say, "Oh, okay, it's this."

13 The way you know that is because you know everything, I  
14 suppose, that is in the record. The jury doesn't know anything  
15 that's in the record at this point in time.

16 Therefore, the problem is that -- again, I have no  
17 problem with if you have -- you lay a foundation for the answer  
18 to this question, but you don't. And that's the problem that  
19 we're going over and over and over again, spending a horrendous  
20 amount of time, because you're not laying the foundation for  
21 this. That is the problem.

22 MR. GORN: Understood. I can lay foundation,  
23 though, that there aren't calls about Carlos Gonzalez about  
24 this and --

25 THE COURT: You can ask your witness, you know, the

1 word "brother" in this, in all of the phone conversations,  
2 which you monitored and which you heard, was there any other  
3 brother of Mr. Gonzalez other than this brother? Okay.

4 So that helps. I don't know if it establishes it  
5 necessarily, but it helps.

6 MR. KHOJAYAN: Your Honor, let me say something. So  
7 this call 207, the date is July 9th. Jose Gonzalez is not  
8 purportedly told or suggested to participate in this attempt to  
9 get the Mercedes until July 12th.

10 This July 9th call -- and there's -- all these calls are  
11 much more longer than the small snippets that have been  
12 selectively chosen here. This call --

13 THE COURT: Let me stop you. The defense could ask  
14 for the other portions to be included.

15 MR. KHOJAYAN: Well, not -- the other problem with  
16 this call -- I would, and I'm thinking about that, but the  
17 problem with this call, this is in reference to other activity,  
18 not this alleged VICAR.

19 THE COURT: How do you know that?

20 MR. KHOJAYAN: Because the timing of it. This is  
21 July 9th, July 12th is when -- because they are about to play  
22 it. July 12th is where they suggest Swifty.

23 THE COURT: But there is no indication in this that  
24 anybody is asking the brother at that point in time to do  
25 something now.

1 MR. KHOJAYAN: Precisely.

2 THE COURT: Yes, but it could be asked in the  
3 future.

4 MR. KHOJAYAN: That is going to come, but this --  
5 the other problem with this phone call because it's not  
6 referencing car, that we have all agreed, the language here,  
7 "You know what he is capable of, I know what he's capable of."  
8 He's being also charged with murder in this case, so that's  
9 what this implies, he's capable of any violent crime of murder,  
10 et cetera, it allows that argument -- it allows the jury to  
11 speculate about that language. There is something  
12 significantly wrong, a 403 prejudice with this excerpt being  
13 played.

14 THE COURT: What is your response?

15 MR. GORN: I'll take it in two parts. Number 1 in  
16 the government's trial brief we talked about conspiracies, and  
17 the fact that this conspiracy -- even if counsel is correct,  
18 that Defendant, Jose Valencia Gonzalez, did not come into the  
19 scene until July 11th.

20 Your Honor, the litany of case law shows even before the  
21 conspirator enters into the conspiracy evidence of this general  
22 conspiracy can come in because all of this in July 9 is going  
23 to define the role of defendant Jose Valencia Gonzalez when  
24 he's clearly part of the conspiracy in the very jail calls that  
25 we play later.

1           The trial memorandum from the government has included  
2     that.

3           What the government has also included in the trial  
4     memorandum is that up until this point -- and this is the first  
5     time the government has heard this, is that now the defense is  
6     considering bringing in additional statements for context,  
7     which was never the defendants' plan, it was never notified to  
8     the government, and that's the first time we're hearing about  
9     that.

10           MR. KHOJAYAN: Well, the government's exhibits keep  
11     changing and they are getting shorter and shorter, but really  
12     the problem here, even if it is for context, this context, this  
13     particular call is way too much. "You know what he's capable  
14     of," that's --

15           THE COURT: Let me stop you, I understand your  
16     argument, I will make my decision in a second.

17           What is the relevance of 215, the same?

18           MR. GORN: 215 is completely different. 216 and 215  
19     are completely different. These go directly to the heart of  
20     the structure evidence and the actual conspiracy itself.

21           In 215 what you hear is that Cheryl Perez as the senora,  
22     because she's so high up other gangs are coming to her asking  
23     her for things which she is referring to "toys," which are  
24     firearms, Your Honor. What you also --

25           THE COURT: Let me stop you. How do we know that?



1 MR. GORN: I'm sorry?

2 THE COURT: How do we know that?

3 MR. GORN: It's common parlance in calls. This  
4 witness can testify as to from all of his experience using  
5 coded language and the calls that he's heard in terms of  
6 communications between individuals asking for firearms the term  
7 "toys" is common parlance for firearms.

8 THE COURT: Is he testifying that as an expert or is  
9 he testifying as --

10 MR. GORN: Lay opinion based on the conversations  
11 he's overheard in the jail calls as to what they're talking  
12 about.

13 Because the greater context of this in 215 is the  
14 government's argument is that defendant Lerma, the brother, and  
15 the Mexican Mafia, who is a 12th Street gang member, is  
16 actually giving control to Cherryville. But on the streets  
17 when a 12th Street gang member, who they are referencing in  
18 this 215 call is asking for guns from Cherryville -- a  
19 Cherryville senora, that on the streets indicates problems and  
20 that's really the greatest context of that call.

21 But it also shows that Cheryl Perez, as the senora, she  
22 is fielding all of questions from the gang members in Pomona  
23 and that's what this shows.

24 The second part of that call is talking about a brother.  
25 And that is the statement which is Mike Lerma, brother in the

1 Mexican Mafia, the enterprise we're talking about, has given  
2 control to Cherryville gangs, which is not his gang, it is  
3 Cheryl Castaneda Perez's gang and her affiliation and she's the  
4 senora, she's running the show. That's why you have the  
5 statements saying "because your brother would not have given up  
6 anything if he didn't trust them."

7 THE COURT: Javier, are the jurors all here?

8 THE COURTROOM DEPUTY: Yes.

9 THE COURT: Is that the same for 216?

10 MR. GORN: 216 is talking about taxing. These  
11 low-level drug dealers that are complaining about extorted and  
12 taxed because Cheryl Castaneda Perez, the senora, as well as  
13 Swifty, the defendant Jose Valencia Gonzalez, were running all  
14 of the drug dealers and taxing them and this is a conversation  
15 about that. It directly goes into the enterprise and the  
16 conspiracy.

17 THE COURT: Let me ask defense counsel, what is your  
18 objections to 17 and 18?

19 MR. KHOJAYAN: The 17 and 18 -- 17 discusses Dopey,  
20 and that discussion on 217 has nothing to do with the VICAR  
21 that is charged.

22 The reason I bring these up, especially 215, 216, 217,  
23 218, the timing of it and especially if the agent testifies  
24 that toys are guns, which of course I object to improper lay  
25 opinion, but if that comes in, then the implication is that

1 Dopey was going to be used for the attempt to get the  
2 Mercedes -- even though that's not true, we know that is not  
3 true, this is just other criminal activity that is being  
4 discussed in the many phone calls and I don't want that false  
5 implication to be given to the jury. This misleading  
6 impression that first they went to Dopey, Dopey with the toys  
7 and then they come to Swifty for the Mercedes.

8           These are completely separate events and so for those  
9 reasons I seek 215, 216, 217 -- and 218 discusses going to the  
10 "compound" which, again, is not related to the VICAR.

11           I get it, they want to say it's related to Count 1 --

12           MR. GORN: It's an overt act. It's part of the  
13 conspiracy. The compound is referenced in the indictment, Your  
14 Honor.

15           MR. KAHAN: Sorry to barge in, Your Honor,  
16 everything else regarding overall context or who was or not  
17 involved in incidents, that can be explored on cross. What we  
18 have here is evidence of the nature of the enterprise, the  
19 structure of the enterprise, the goals and methods of the  
20 enterprise.

21           The government should be allowed to introduce all  
22 aspects of how this enterprise operated, including in its  
23 conspiracy and buildup to a vicious assault incident.

24           THE COURT: Anything else from either side?

25           MR. KHOJAYAN: Pardon?

1 THE COURT: Anything else from either side on this?  
2 MR. KHOJAYAN: No, Your Honor.  
3 THE COURT: I will exclude 207. I will allow 215 to  
4 218.  
5 Let's bring the jury in.  
6 MR. GORN: Are we going to call Twitchell, Your  
7 Honor?  
8 THE COURT: If you want to, I said you could if you  
9 wanted to and so I presume if you want to you can call him.  
10 MS. NG: Thank you, Your Honor.  
11 THE COURT: Am I not making myself clear? Maybe I  
12 don't want to know the answer to that question.  
13 (Jury enters the courtroom at 1:38 p.m.)  
14 THE COURTROOM DEPUTY: You may be seated.  
15 THE COURT: Good afternoon, ladies and gentlemen.  
16 We're going to take a witness out of turn, because that witness  
17 would be otherwise unavailable, so we're going to take the  
18 witness out of turn and then once that is completed, we will go  
19 back to the witness that was on the stand.  
20 MS. NG: The government calls FBI Special Agent  
21 Trevor Twitchell.  
22 THE COURT: All right.  
23 THE COURTROOM DEPUTY: Sir, stop there, raise your  
24 right hand.  
25 Do you solemnly swear that the testimony you shall give

1 in the cause now before the Court, shall be the truth, the  
2 whole truth and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE COURTROOM DEPUTY: Thank you, have a seat.  
5 Please watch your step. Thank you.

6 Sir, spell your name -- I'm sorry, state your name and  
7 spell your last name for the record.

8 THE WITNESS: My name is Trevor Twitchell,  
9 T-W-I-T-C-H-E-L-L.

10 TREVOR TWITCHELL,  
11 having been duly sworn,  
12 testified as follows:

13 MS. NG: May I proceed?

14 THE COURT: Yes.

15 DIRECT EXAMINATION

16 BY MS. NG:

17 Q Good afternoon, Agent Twitchell.

18 A Good afternoon.

19 Q Where do you work?

20 A The FBI.

21 Q What is your title?

22 A Special Agent.

23 Q How long have you been a Special Agent with the FBI?

24 A For ten years.

25 Q Can you briefly describe your training to become a Special

1 Agent?

2 A Yeah. To become a Special Agent we receive basic agent  
3 training at FBI academy in Quantico, Virginia.

4 Q What are your duties as a Special Agent?

5 A I'm currently assigned to the violent criminal  
6 investigation squad in Orange County.

7 Q Do you have any specialized training with respect to  
8 firearms and ammunition?

9 A I do. On top of the --

10 Q Can you describe that?

11 A Yes. On top of the month's worth of firearms training we  
12 received at Quantico, I became a FBI firearms instructor and in  
13 2020 I also got my accreditation as a firearm specialist.

14 Q And do you handle the identification and classification  
15 and determination of origin for any firearms --

16 A I do.

17 Q -- and for ammunition?

18 Are you familiar with the term "Interstate Nexus  
19 Analysis"?

20 A I am.

21 Q What does interstate nexus refer to?

22 A The interstate nexus refers to what the government needs  
23 to have in order to have the ability to investigate a case with  
24 regard to firearms and traveling between interstate -- or  
25 between two different states.

1 Q So, interstate nexus referring to firearms and ammunition  
2 moving across state lines.

3 How do you determine where a gun was manufactured?

4 A During my training and experience we have a database, and  
5 other agents that we work with that have identified where those  
6 manufacturers have done their manufacturing.

7 Q Is that the same for -- how do you determine where  
8 ammunition is manufactured?

9 A The same way.

10 Q Okay. And approximately -- throughout your career,  
11 approximately how many nexus examinations have you done for  
12 firearms?

13 A I've examined hundreds of firearms and thousands of rounds  
14 of ammunition.

15 Q Have you previously testified as an expert witness in  
16 federal court?

17 A I have form.

18 Q Approximately how many times?

19 A I have only testified one time, I have been called as a  
20 witness several times, but usually it's stipulated to.

21 MS. NG: Your Honor, at this time the government  
22 moves to qualify Special Agent Twitchell as an expert on the  
23 definition of firearms and ammunitions, the manufacturers, and  
24 their travel in interstate and foreign commerce.

25 THE COURT: Any objection?

1 MR. NOVAK: No.

2 THE COURT: He's so submitted.

3 BY MS. NG:

4 Q Agent Twitchell, in basic terms what is a firearm?

5 A A firearm is any weapon that will or is designed to or can  
6 readily be converted to something that can expel a projectile  
7 using an explosive action.

8 Q Did you analyze three firearms in this case?

9 A I did.

10 MS. NG: Your Honor, may FBI Special Agent Minh Tran  
11 approach the witnesses with Government's Exhibit 275, which has  
12 been rendered safe?

13 THE COURT: All right.

14 I assume there is no objection?

15 MS. DERBY: No objection.

16 MS. LUCAS: No objection.

17 THE COURT: All right.

18 THE WITNESS: May I open it?

19 MS. NG: Yes.

20 THE WITNESS: All right.

21 BY MS. NG:

22 Q Do you recognize Government's Exhibit 275?

23 A I do.

24 Q Did you perform an interstate nexus test on Exhibit 275?

25 A I did.



1 Q Could you please describe Government's Exhibit 275?

2 A Yes. This is a Colt, Mark IV Series 80 Mustang, which is  
3 a 380-caliber pistol.

4 Q Can you identify the serial number from that position in  
5 the box?

6 A I can, hold on. It is Mary Uniform 58634.

7 Q And who manufactured this gun?

8 A Colt.

9 Q How do you know that?

10 A It's my training and experience.

11 Q Where was Exhibit 275 manufactured?

12 A In Connecticut.

13 Q How do you know that?

14 A Training and experience.

15 Q To your knowledge, in what state was Exhibit 275 recovered  
16 by law enforcement?

17 A In California.

18 Q So did Exhibit 275 affect commerce?

19 A It did.

20 Q How so?

21 A It was manufactured outside the state of California and  
22 found inside the state of California and at some point had to  
23 have crossed state lines.

24 Q So let's move on to the next firearm.

25 MS. NG: Your Honor, permission for Agent Tran to

1 approach the witness to retrieve Government's Exhibit 275 and  
2 to replace it with Government's Exhibit 400.

3 THE COURT: Let me just ask, my understanding is  
4 that these particular exhibits will not be going to the jury  
5 room?

6 MS. NG: No, they will not, Your Honor.

7 THE COURT: Are you going to show the jurors at this  
8 point in time each one or how are you going to have them see  
9 it?

10 MS. NG: Actually, before I ask Agent Tran to go  
11 back to the stand may I ask Agent Twitchell to please raise  
12 Government's Exhibit 275 to show to the jury?

13 THE WITNESS: Yes.

14 MS. NG: Let the record reflect that Agent Twitchell  
15 is showing Exhibit 275 to the jury.

16 THE COURT: All right.

17 MS. NG: May I now ask if special Special Agent Tran  
18 can retrieve 275 and replace it with Exhibit 400, which has  
19 also been rendered safe?

20 THE COURT: Yes, you may.

21 BY MS. NG:

22 Q Do you recognize Government's Exhibit 400?

23 A I do.

24 Q Did you perform an interstate nexus analysis on  
25 Exhibit 400?

1 A I did.

2 Q Could you please describe Exhibit 400?

3 A This is a Walther PPK/s it's a 9 millimeter kurz/.380ACP  
4 caliber pistol and the serial number is 060360.

5 Q Agent Twitchell, can I ask you to show Government's  
6 Exhibit 400 to the jury?

7 A Yes.

8 Q Thank you. Who manufactured this firearm?

9 A Walther Arms.

10 Q How do you know that?

11 A By training and experience.

12 Q Was Exhibit 400 manufactured in California?

13 A It was not.

14 Q To your knowledge in what state was Exhibit 400 recovered  
15 by law enforcement?

16 A In California.

17 Q So did Exhibit 400 affect commerce?

18 A It did.

19 Q How so?

20 A It was manufactured outside the state of California, it  
21 was found or recovered inside the state of California, so that  
22 had to have crossed state lines at some point.

23 Q Moving on to the last firearm.

24 MS. NG: Permission for Agent Tran to approach the  
25 witness to retrieve Government's Exhibit 400 and replace it

1 with Government's Exhibit 317.

2 THE COURT: Yes.

3 MS. NG: Okay.

4 BY MS. NG:

5 Q Do you recognize Government's Exhibit 317?

6 A I do.

7 Q Did you perform an interstate nexus test on Exhibit 317?

8 A Yes, I did.

9 Q Could you please describe Government's Exhibit 317?

10 A Yeah. This is a 22-caliber pistol made by Rohm, it's a  
11 model RG12 with the serial number 52469.

12 Q And can you -- I think you have alluded to this, but can  
13 you identify who manufactured the gun?

14 A Rohm.

15 Q Where was Exhibit 317 manufactured?

16 A It was manufactured in either Florida or internationally.

17 Q How do you know that?

18 A By training and experience.

19 Q To your knowledge, in what state did law enforcement  
20 recover Exhibit 317?

21 A California.

22 Q Did Exhibit 317 affect interstate -- or affect commerce?

23 A It did.

24 Q How so?

25 A This was manufactured outside the state of California and

1 found or recovered inside the state of California and had to  
2 have crossed over state lines to get here.

3 Q And before I ask the agent to retrieve the exhibit, could  
4 you please show it to the jury?

5 A Yes.

6 Q I'd like to ask you about ammunition now.

7 In basic terms what is ammunition?

8 A Ammunition is ammunition in cartridge casings, bullets,  
9 powder, primers, anything with regard to that design to be  
10 expelled through a firearm.

11 Q Did you analyze any ammunition in this case?

12 A I did.

13 MS. NG: Your Honor, permission for Agent Tran to  
14 retrieve Exhibit 317 and replace it with Government's Exhibit  
15 318.

16 THE COURT: All right.

17 THE WITNESS: Okay.

18 BY MS. NG:

19 Q Did you perform an interstate nexus test on Exhibit 318?

20 A I did.

21 Q Can you please describe Exhibit 318?

22 A Yeah. These are 22-caliber pistol bullets -- or, sorry,  
23 bullets, with a head stamp with it looks like a cursive "W" on  
24 them.

25 Q Who manufactured this ammunition?

1 A Winchester.

2 Q How do you know that?

3 A Based on my training and experience.

4 Q Was Exhibit 318 manufactured in California?

5 A It was not.

6 Q To your knowledge in what state did law enforcement  
7 recover Exhibit 318?

8 A In California.

9 Q Did Exhibit 318 affect commerce?

10 A It did.

11 Q How so?

12 A It was manufactured in another state and found or  
13 recovered in California, and thus had to have crossed state  
14 lines to get here.

15 Q Could you also show Exhibit 318 to the jury?

16 A Yeah, these ones are small. 22-caliber small bullets.

17 Q Just to confirm, and how many rounds of ammunition are in  
18 Exhibit 318?

19 A Six rounds.

20 Q Thank you.

21 MS. NG: Your Honor, permission for Agent Tran to  
22 approach the witness to retrieve Government's Exhibit 318 and  
23 to replace with Government's Exhibit 276.

24 THE COURT: All right.

25 THE WITNESS: Okay.

1 BY MS. NG:

2 Q Did you perform an interstate nexus test on Exhibit 276?

3 A I did.

4 Q Can you please describe Government's Exhibit 276?

5 A I can. This is seven rounds -- I'll just hold it up here.  
6 This is seven rounds of 380-caliber ammunition manufactured by  
7 Winchester.

8 Q Where was Exhibit 276 -- or was Exhibit 76 manufactured in  
9 California?

10 A It was not.

11 Q To your knowledge, in what state was Exhibit 276 recovered  
12 by law enforcement?

13 A The state of California.

14 Q Did Exhibit 276 affect commerce?

15 A It did.

16 Q How so?

17 A It was manufactured outside the state of California and  
18 found or recovered inside the state of California and had to  
19 have crossed across state lines.

20 Q Let's move on to more ammunition.

21 MS. NG: Your Honor, permission for Agent Tran to  
22 approach the witness to retrieve Government's Exhibit 276, and  
23 to replace it with Government's Exhibit 401.

24 THE COURT: Yes.

25 THE WITNESS: Okay.

1 BY MS. NG:

2 Q Can you please describe Government's Exhibit 401?

3 A Yeah. This is seven rounds of 380 auto caliber Winchester  
4 ammunition.

5 Q I think you just mentioned they were manufactured by  
6 Winchester?

7 A That's true, yes.

8 Q How do you know that?

9 A My training and experience.

10 Q Were the rounds in Exhibit 401 manufactured in California?

11 A They were not.

12 Q To your knowledge, in what state were these rounds  
13 recovered in?

14 A California.

15 Q Did Exhibit 401 affect commerce?

16 A It did.

17 Q How so?

18 A It was manufactured outside the state of California, and  
19 found or recovered inside the state of California, and as such,  
20 had to be transferred across state lines.

21 Q And let's turn to the final set of ammunition.

22 MS. NG: Your Honor, permission for Agent Tran to  
23 approach the witness to retrieve Government's Exhibit 401 and  
24 to replace it with Government's Exhibit 402.

25 THE COURT: Yes.



1 THE WITNESS: Okay.

2 BY MS. NG:

3 Q Did you perform an interstate nexus test on Exhibit 402?

4 A I did.

5 Q Could you please describe Exhibit 402?

6 A Yeah. So this is one round of 380-caliber ammunition,  
7 with a head stamp which says CCI.

8 Q And when you say "CCI," who was the manufacturer?

9 A Cascade Cartridge Inc.

10 Q Where was Exhibit 402 manufactured?

11 A In Minnesota or Idaho.

12 Q To your knowledge, in what state was this bullet recovered  
13 in?

14 A California.

15 Q So did Exhibit 402 affect commerce?

16 A It did.

17 Q How so?

18 A It was manufactured outside the state of California and  
19 found inside the state of California and at some point had to  
20 cross state lines.

21 MS. NG: Your Honor, permission for Agent Tran to  
22 retrieve Exhibit 402 from the witness.

23 THE COURT: Yes.

24 MS. NG: Your Honor, the government has no further  
25 questions for this witness.

1 THE COURT: Any cross-examination?

2 MS. DERBY: None for Mr. Lerma.

3 MR. KHOJAYAN: No.

4 MS. LUCAS: Briefly, Your Honor.

5 THE COURT: All right.

6 CROSS-EXAMINATION

7 BY MS. LUCAS:

8 Q Good afternoon, Agent Twitchell.

9 A Good afternoon.

10 Q Now, you weren't suggesting that any defendant carried any  
11 of those firearms or ammunition under -- across state lines,  
12 personally, right?

13 A I was not.

14 Q Okay. And in your expertise with firearms and ammunition,  
15 do you know whether DNA can be retrieved from a firearm such as  
16 Exhibit 317, the Rohm?

17 MS. NG: Objection. Outside the scope.

18 THE COURT: I will sustain the objection.

19 BY MS. LUCAS:

20 Q Do you know, in your expertise, whether or not  
21 fingerprints could be recovered from a firearm like Exhibit  
22 317, the Rohm revolver?

23 MS. NG: Objection. Outside the scope.

24 THE COURT: I will sustain the objection.

25 MS. LUCAS: Thank you very much.

1 THE COURT: Any other defense counsel?

2 MR. NOVAK: No, thank you.

3 MS. LUCAS: No, Your Honor.

4 THE COURT: The witness can be excused, but watch  
5 the first step.

6 THE WITNESS: Thank you.

7 THE COURT: All right.

8 MR. GORN: May we recall the government's prior  
9 witness?

10 THE COURT: Yes.

11 MR. GORN: So at this time, Your Honor, the  
12 government would now recall Special Agent Joseph Talamantez.

13 THE COURT: All right.

14 JOSEPH TALAMANTEZ,  
15 having been previously sworn,  
16 testified as follows:

17 DIRECT EXAMINATION (resumed)

18 BY MR. GORN:

19 Q Good afternoon, again, Special Agent Talamantez.

20 A Good afternoon.

21 Q So we left off -- we were at Exhibit 210.

22 Did you review Exhibit 210, prior to your testimony  
23 today?

24 A Yes.

25 MR. GORN: And I will now ask to play Exhibit 210, a

1 July 12th, 2013, call.

2 (Audio played in open court.)

3 MR. GORN: Stop right there.

4 BY MR. GORN:

5 Q The male voice that you heard there, are you able to  
6 identify that person?

7 A Yes.

8 Q And who is that?

9 A Seferino Gonzalez.

10 Q And the woman's voice that responded, are you able to  
11 identify that person?

12 A Yes.

13 Q Who is that?

14 A Cheryl Perez.

15 Q Now, in regards to your investigation of an assault in  
16 Covina that we talked about, what was the date of that assault?

17 A July 14th.

18 Q And this call is about July 12th?

19 A Correct.

20 MR. GORN: Can we continue playing.

21 THE WITNESS: Of 2013.

22 (Audio played in open court.)

23 BY MR. GORN:

24 Q Now, this second woman's voice that says, "Yeah, I'm  
25 trying," are you able to identify that woman's voice?

1 A Yes.

2 Q Who is that?

3 A Kelly Deshannon.

4 Q Now, is this a three-way phone call?

5 A I don't believe so.

6 Q What is this call? How are three people on the line?

7 A It's kind of a -- it sounds like it might be a relay to  
8 where Kelly Deshannon appears to have two phones and she's  
9 relaying a conversation.

10 MR. GORN: Can we continue playing?

11 (Audio played in open court.)

12 BY MR. GORN:

13 Q As part of your investigation, did you look into seeing  
14 whether Bill McCord had a Mercedes?

15 A Yes.

16 Q And did you, by listening to jail calls or talking to  
17 anyone, learn about a Mercedes that Bill McCord owned?

18 A Yes.

19 Q And what did you learn?

20 A That he did own a Mercedes.

21 Q Now, in this call, it's referenced an Indian Hill address.  
22 And that general area, are you familiar with that area that is  
23 being discussed in this call?

24 A Yes.

25 Q And why is this area discussed in this call, per your

1 investigation?

2 A It's in the general area of the Hendrix street address  
3 that Bill McCord passed earlier with the address.

4 Q Based on your investigation, did you know where the --  
5 Bill McCord's Mercedes was around July 12th, 2013?

6 A Yes.

7 Q And where was it?

8 A Based on the phone calls, it appeared to be at 624  
9 Hendrix.

10 Q I'd like to now direct your attention to government's  
11 Exhibit No. 211 from July 12th, 2013.

12 MR. GORN: Can we just begin playing the beginning?

13 (Audio played in open court.)

14 MR. GORN: Stop right there.

15 BY MR. GORN:

16 Q So we're stopping at the woman that says "yeah" in this  
17 call. Are you able to identify who that is?

18 A Yes.

19 Q Who is that?

20 A Cheryl Perez.

21 Q And the male voice in the call, are you able to identify  
22 that person?

23 A Yes.

24 Q Who is that?

25 A Seferino Gonzalez.

1 Q Are you familiar with the term "roll these fools up"?

2 A Yes.

3 Q From listening to jail calls, have you heard that term  
4 used previously?

5 A In this case, yes.

6 Q And are you able to -- based on your belief, what is your  
7 opinion, based on the jail calls and hearing the term roll them  
8 up, what does that mean?

9 A It means that they were assaulted so they had to leave the  
10 dorm.

11 MR. GORN: Can we continue playing?

12 (Audio played in open court.)

13 BY MR. GORN:

14 Q Regarding the conversation in Exhibit 211, with the  
15 statement call Swifty, call Swifty, call Swifty, who, based on  
16 your knowledge of the monikers we have described previously,  
17 who is "Swifty" referring to?

18 A Jose Valencia Gonzalez.

19 Q As part of your investigation in this case as to the  
20 assault that happened in Covina, did you also look into seeing  
21 whether Bill McCord had any other vehicles or property?

22 A Yes.

23 Q And did Bill McCord, from your investigation and listening  
24 to jail calls and speaking with individuals, did Bill McCord  
25 have another vehicle?

1 A He indicated that he did, yes.

2 Q Do you know what that vehicle was?

3 A A Jeep and then a boat.

4 Q Now, in the call there is also reference to a white girl  
5 who had the keys. Based on your knowledge of all the jail  
6 calls that were discussed as to a white girl and in relation to  
7 a car, do you know who Seferino Gonzalez is referring to?

8 A Yes.

9 Q Who is Seferino Gonzalez referring to?

10 A Erica Newell.

11 Q In your investigation of the assault, were you able to  
12 determine whether Erica Newell had keys to a Mercedes around  
13 July 12th, 2013?

14 A Yes.

15 Q And were you able to, from your investigation, determine  
16 whether Erica Newell had the keys to a Mercedes that belonged  
17 to Bill McCord?

18 A Yes.

19 Q And was that also around July 12th, 2013?

20 A Yes.

21 Q Now, are you familiar with the term "I you will get down  
22 if I need the fucking keys," based on your review of the jail  
23 calls in this case and the context in which it was given?

24 MR. KHOJAYAN: Objection. Improper lay opinion.

25 THE COURT: Lay a foundation for his response.



1 MR. GORN: Sure.

2 BY MR. GORN:

3 Q In listening to jail calls, are you privy to, essentially,  
4 vernacular and slang as you listen to those calls?

5 A Lots of slang, yes.

6 Q And when you listen to jail calls, are you able to  
7 determine the certain meaning of slang that maybe you don't  
8 know initially but through the context of those calls?

9 A Context and subsequent things that take place, yes.

10 Q So in this case, if an individual was to state, "I'll get  
11 down," and you overhear that call, in the greater context of  
12 the calls in this case, as well as who you spoke to, and in  
13 your investigation of the assault later in Covina, what is your  
14 opinion as to what "I will get down" means?

15 MR. KHOJAYAN: Objection. Improper 701.

16 THE COURT: Overruled. He can answer the question.

17 THE WITNESS: That they are escalating their efforts  
18 to obtain the keys and violence is now an option.

19 BY MR. GORN:

20 Q Now, I want to direct your attention to Exhibit 212.  
21 Another call from July 12th, 2013.

22 MR. GORN: If we can just play the first ten  
23 seconds, I will tell you when to stop.

24 (Audio played in open court.)

25 MR. GORN: We can stop right there.

1 BY MR. GORN:

2 Q So, approximately ten seconds into that call, the woman's  
3 voice in the beginning that says "am I -- " excuse me, "you  
4 want me to get Swifty," are you able to identify the woman in  
5 that call?

6 A Yes.

7 Q Who is that?

8 A Cheryl Perez.

9 Q And just to get to it, in terms of Swifty, based on your  
10 investigation and listening to all of the calls in this case,  
11 as well as this one in the context in which it was given, who  
12 do you believe and what is your opinion as to who Swifty is?

13 A Jose Valencia Gonzalez.

14 Q And the male individual who says, "yes, ma'am, please,"  
15 are you able to identify who that is?

16 A Yes.

17 Q Who is that?

18 A Seferino Gonzalez.

19 MR. GORN: And just to continue playing there now.

20 (Audio played in open court.)

21 BY MR. GORN:

22 Q Special Agent Talamantez, did you hear the term "gabacha"?

23 A Yes.

24 Q And in terms of listening to many calls and the context of  
25 those calls, as well as slang, are you able to determine what

1 that means?

2 A Yes.

3 Q And what does, "gabacha," mean and what is your opinion on  
4 that?

5 A It's slang for "a white girl."

6 Q Based on the context of this phone call, as well as all of  
7 the jail calls that you reviewed in your investigation as to  
8 this and the assault, do you believe that the "gabacha"  
9 referred to here, is it your opinion that is Erica Newell?

10 A Yes.

11 Q Also as part of your investigation, did Bill McCord's  
12 Mercedes, around July of 2013, did it start? Did it work?

13 A I don't believe so, no.

14 Q Can we now -- I would like to direct your attention to  
15 Government's Exhibit 213.

16 MR. GORN: If we can just begin with the first ten  
17 seconds again.

18 (Audio played in open court.)

19 BY MR. GORN:

20 Q Starting with the first male voice that we hear in this  
21 call, "it's not your fault, dude," are you able to identify the  
22 male speaker in this call?

23 A Yes.

24 Q Who is that?

25 A Seferino Gonzalez.

1 Q And the woman's response, "I will try hard every day for  
2 you," are you able to identify who that is?

3 A Yes.

4 Q Who is that?

5 A Kelly Deshannon.

6 MR. GORN: Can you continue playing.

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q As part of your investigation into the Mexican Mafia as  
10 well as street gangs, are you familiar from listening to jail  
11 calls speaking with individuals as well as cooperators about  
12 discipline?

13 A Yes.

14 Q And based on all of that information and your information  
15 that you learned in this case and the investigation, are you  
16 able to explain, in terms of the context of the Mexican Mafia  
17 as you understand it, what "discipline" is?

18 MR. KHOJAYAN: Objection. Improper 701, 702.

19 MR. GORN: Your Honor.

20 THE COURT: Yes. What was the last question?

21 MR. GORN: It was the opinion as to discipline.

22 THE COURT: Read the last question.

23 (Record was read.)

24 THE COURT: Have him lay the foundation for the  
25 answer and then I will allow it in if it's a proper foundation

1 laid.

2 BY MR. GORN:

3 Q In speaking with street gang members, Surenos, or  
4 associates of the Mexican Mafia, have you ever discussed the  
5 concept of discipline?

6 A Yes.

7 Q And have they explained in their own words what discipline  
8 is in the context of the Mexican Mafia?

9 A Yes.

10 Q And in listening to jail calls in your investigations, do  
11 you also listen to calls about discipline as it's concerning  
12 the Mexican Mafia?

13 A Yes.

14 Q And after all of your investigations and speaking with  
15 individuals as well as jail calls, do you have an understanding  
16 of what discipline is within the Mexican Mafia?

17 A Yes.

18 Q What is discipline in the context of Mexican Mafia?

19 MR. KHOJAYAN: Objection. Improper 701, 702.

20 THE COURT: You are going to have to tie it in with  
21 the investigation here.

22 MR. GORN: Sure.

23 BY MR. GORN:

24 Q Furthermore, as part of this investigation, did you also  
25 hear calls or interview individuals as they have explained

1 discipline within the Mexican Mafia?

2 A Yes.

3 Q And did you also understand and learn about discipline  
4 from those conversations and from those calls?

5 A Yes.

6 Q And as it relates to this investigation, in terms of  
7 discipline within the Mexican Mafia, are you able to explain  
8 what discipline is?

9 A Yes.

10 Q And what is it?

11 MR. KHOJAYAN: Improper, 701.

12 THE COURT: Overruled.

13 THE WITNESS: Discipline is consequence for breaking  
14 a rule. In this case he is indicating that it would be  
15 violence, in the form of a stabbing, for holding money.

16 MR. GORN: Can we continue playing?

17 (Audio played in open court.)

18 BY MR. GORN:

19 Q So you have already discussed about discipline with  
20 stabbings, but in the line from Seferino Gonzalez, "I will take  
21 couple fucking ass whoopings, a couple of stab wounds, and I'll  
22 be all right," based on your opinion in the investigation in  
23 this case, as well as the jail calls and who you have spoken  
24 with, are you able to have an opinion as to whether that line  
25 is in reference to discipline?

1 A Yes.

2 Q Is it?

3 A It is.

4 Q What do you base that on?

5 A The context of this phone call where he is indicating that  
6 if he cannot pay this money, that that is going to be one of  
7 the consequences that he will face. The other being that it  
8 damages what he refers to as his "career," referring to his  
9 gang career.

10 Q You can continue playing?

11 (Audio played in open court.)

12 MR. GORN: Stop right there.

13 BY MR. GORN:

14 Q When Seferino Gonzalez states, "because that's what would  
15 happen if I don't pay her her money," in your investigation in  
16 this case, did you develop opinions as to what that would mean  
17 in the terms of Seferino Gonzalez and what he is explaining in  
18 this call?

19 MS. DERBY: Objection. The transcript speak for  
20 themselves.

21 THE COURT: Overruled.

22 MR. GORN: You can answer the question.

23 THE WITNESS: It's again referring to the money that  
24 he owes Cheryl Perez and the consequences that would go with  
25 not repaying it.

1 MR. GORN: Can we continue playing.

2 (Audio played in open court.)

3 BY MR. GORN:

4 Q Seferino Gonzalez, when he states, "everybody should kiss  
5 your ass, dude, all right," Based on your investigation and  
6 listening to the jail calls in this case and who you spoke with  
7 in terms of interviews and follow-up investigation, were you  
8 able to determine the role that Kelly Deshannon played in  
9 relation to Seferino Gonzalez?

10 A Yes.

11 Q And what was that role?

12 A Secretary.

13 Q And what is a secretary?

14 A A secretary is -- essentially what we have been listening  
15 to here -- is she is helping him to continue his activity on  
16 the outside while he's inside of custody. In this case, it's  
17 acquiring the Mercedes.

18 Q By being Seferino Gonzalez's secretary, does that give  
19 Kelly Deshannon power?

20 A Yes.

21 Q Based on your investigation in this case, the review of  
22 this jail call, as well as all of the other jail calls in this  
23 case, and in speaking with witnesses, are you able to determine  
24 and give an opinion as to who Seferino Gonzalez is and his  
25 role?



1 A Yes.

2 Q And what is his role?

3 A He is the key holder to the city of Pomona at this point.

4 MS. DERBY: Objection. Lack of foundation. Motion  
5 to strike.

6 MR. KHOJAYAN: Improper 701.

7 THE COURT: I will sustain the objection. I will  
8 strike the last answer.

9 BY MR. GORN:

10 Q In speaking -- excuse me, in reviewing jail calls in this  
11 case and -- have you heard orders that Seferino Gonzalez has  
12 given to others in those calls?

13 A Yes.

14 Q And have you heard others give Seferino Gonzalez orders in  
15 those calls?

16 MR. FURMAN: Asked and answered.

17 MR. KHOJAYAN: Objection. Hearsay. Confrontation  
18 clause, and he's a lay witness.

19 THE COURT: I will allow him to use -- reference to  
20 the specific calls that he's referencing.

21 BY MR. GORN:

22 Q In this call is Seferino Gonzalez talking about having to  
23 pay back Cheryl Perez?

24 A Yes.

25 Q Based on this call and the fact that he has to pay back

1 another person, is Seferino Gonzalez's role less, equal, or  
2 more than -- excuse me, than Cheryl Perez?

3 A Seferino is under Cheryl Perez.

4 Q How are you able to determine that in this investigation  
5 based on the jail calls and the investigation that you have  
6 done?

7 A Based on Seferino's conversations with Cheryl, and based  
8 on Seferino's conversations with other people regarding Cheryl.

9 Q And from your investigation, are you able to determine the  
10 role that Seferino Gonzalez had?

11 MR. KHOJAYAN: Objection. Asked and answered.

12 THE COURT: Overruled.

13 BY MR. GORN:

14 Q What is his role?

15 A He states it. He is the key holder of the city of Pomona.

16 MR. FURMAN: Objection, lack of foundation, improper  
17 expert opinion, and move to strike.

18 THE COURT: I will sustain the objection.

19 MR. GORN: Can we play Exhibit 214. Excuse me, I'm  
20 sorry, keep playing 214.

21 (Audio played in open court.)

22 BY MR. GORN:

23 Q I want to direct your attention now to Government's  
24 Exhibit 214. Excuse me, 215. No, I'm sorry, it's not 215.  
25 It's 214.

1 Sir, did you, before coming to court today, review  
2 Government's Exhibit 214?

3 A Yes.

4 MR. GORN: I will ask to play the first ten seconds.

5 (Audio played in open court.)

6 MR. GORN: Stop right there.

7 BY MR. GORN:

8 Q The male voice that says "you fool are my ears and  
9 everything in there," who is that?

10 A Seferino Gonzalez.

11 Q And the woman's voice saying "yeah, yeah," are you able to  
12 identify who that is?

13 A Yes.

14 Q Who is that?

15 A Cheryl Perez.

16 Q Now in the context of this call, as well as the jail calls  
17 that you reviewed in your investigation, as well as all of the  
18 individuals that you have interviewed and learned about, are  
19 you able to determine from this call a specific role that  
20 Seferino Gonzalez plays?

21 MR. FURMAN: Objection, improper foundation,  
22 improper opinion evidence.

23 MR. GORN: It's a lay opinion, Your Honor.

24 THE COURT: I will allow him to answer if he can  
25 explain the answer.

1 BY MR. GORN:

2 Q Are you able to answer and explain your answer?

3 A I think so.

4 Q Go ahead.

5 A He is explaining that he needs people to be his eyes and  
6 ears on the street because he's locked up inside of prison and  
7 doesn't have the ability to do that on his own.

8 So he's referring to people helping him on the outside  
9 to continue what he's doing.

10 Q The fact he has outside people helping him, does that also  
11 further him having a higher-up role than other individuals?

12 A Yes.

13 Q Would that mean that he has a role higher than Kelly  
14 Deshannon?

15 A Yes.

16 Q But would that mean that he has a role higher than Cheryl  
17 Perez?

18 A No.

19 Q And based on your investigation in this case, what is your  
20 opinion as to Seferino Gonzalez's role as it relates between  
21 Cheryl Castaneda Perez and Kelly Deshannon?

22 A That Seferino works for Cheryl Perez and Kelly Deshannon  
23 works for Seferino.

24 MR. GORN: Can we continue playing, please.

25 (Audio played in open court.)

1 BY MR. GORN:

2 Q The comment from Seferino Gonzalez saying "you just called  
3 my people and asked them motherfuckers to give you half an  
4 ounce and shit," do you have an opinion as to what half an  
5 ounce means in the context of this call?

6 A Yes.

7 Q What does it mean?

8 A It's referring to drugs, half an ounce of drugs.

9 Q Can you just discuss payments as it relates -- and  
10 payments and transfers of money as it would relate between  
11 Seferino Gonzalez and Kelly Deshannon from your review of the  
12 jail calls and as part of your investigation in this case?

13 A That Kelly is doing things to help make money for  
14 Seferino.

15 Q And would she be compensated for that?

16 A Yes.

17 Q And how would she be compensated for that?

18 MS. DERBY: Objection, lack of foundation.

19 THE COURT: Lay a foundation for his response.

20 BY MR. GORN:

21 Q Going to what is in front of us, saying "give you half an  
22 ounce and shit," is that a form of payment that would be  
23 intended from Seferino Gonzalez to Kelly Deshannon in the  
24 context of this call based on your investigation?

25 A Yes.

1 MR. GORN: Could we play it to the end.

2 (Audio played in open court.)

3 BY MR. GORN:

4 Q In listening to this call in terms of the time before the  
5 assault in Covina in 2013, were you able to determine who is  
6 Seferino Gonzalez and Cheryl Castaneda talking about?

7 A They are talking about Erica's boyfriend, Mohammed  
8 Alsairwan.

9 Q Can you just describe who is Mohammed Alsairwan?

10 A That is Erica Newell's boyfriend, who was at the time I  
11 believe living at Erica's residence.

12 Q Was that in Covina?

13 A Covina.

14 MR. GORN: Can we go to Government's Exhibit  
15 No. 219, July 14th, 2013, call.

16 BY MR. GORN:

17 Q Special Agent Talamantez, July 14th is the date of the  
18 Covina assault, correct?

19 A Correct.

20 Q But in reviewing Government's Exhibit 219 at 2:33 p.m. is  
21 that before the assault took place?

22 A Yes.

23 MR. GORN: Can we begin playing for the first ten  
24 seconds, please?

25 (Audio played in open court.)

1 BY MR. GORN:

2 Q The first woman's voice, are you able to identify that in  
3 Government's Exhibit 219?

4 A Yes.

5 Q Who is that?

6 A Kelly Deshannon.

7 Q And the male voice in response is he -- "he's spending my  
8 money," is that Seferino Gonzalez?

9 A Yes.

10 MR. GORN: Can you continue playing, please.

11 (Audio played in open court.)

12 MR. GORN: Stop right there.

13 BY MR. GORN:

14 Q Based on your investigation, your review of this call  
15 compared to all of the other jail calls that you reviewed as  
16 part of this case, the reference to "Swiftly," do you have an  
17 opinion as to who Swiftly is that's referenced by Seferino  
18 Gonzalez?

19 A Yes.

20 Q Who is that?

21 A Jose Valencia Gonzalez.

22 MR. GORN: Continue playing.

23 (Audio played in open court.)

24 BY MR. GORN:

25 Q As part of your investigation did you look into a

1 residence at 183 Cypress in Covina?

2 A Yes.

3 Q What is the relevance of that address?

4 A That is Erica Newell's address and it's where Mohammed  
5 Alsairwan was staying, and it was the site of the incident that  
6 occurred on July 14th of 2013.

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q Based on your investigation of the case, did defendant  
10 Jose Valencia Gonzalez, Cheryl Perez, as well as Trisha Perez  
11 go to the 183 Cypress address?

12 A Yes.

13 Q And following the incident did they speak with Seferino  
14 Gonzalez on the same date of the assault?

15 A Yes.

16 Q Now directing your attention to Exhibit 220, a call from  
17 July 14, 2013.

18 MR. GORN: Can we just play this.

19 (Audio played in open court.)

20 MR. GORN: Stop right there.

21 BY MR. GORN:

22 Q The woman's voice that says, "we just went by Erica's  
23 house to get that key," are you able to identify who that is?

24 A Yes.

25 Q Who is that?



1 A Kelly Deshannon.

2 Q And the man's voice asking "how are you doing," who is  
3 that?

4 A Seferino Gonzalez.

5 (Audio played in open court.)

6 BY MR. GORN:

7 Q That last woman -- excuse me, the woman that states, "he  
8 said don't give up his keys," are you able to identify who that  
9 is?

10 A Yes.

11 Q Who is that?

12 A Cheryl Perez.

13 MR. GORN: Can we continue playing.

14 (Audio played in open court.)

15 MR. GORN: Can you stop right now.

16 BY MR. GORN:

17 Q Based on your investigation and listening to the jail  
18 calls in this case, as well as just your background, training,  
19 and experience as law enforcement officer, have you ever heard  
20 the term "poppin" before?

21 A Yes.

22 Q And as it's referenced in this call, do you have an  
23 opinion as to what it means to say "and it gets to poppin"?

24 A Yes.

25 Q And what is your opinion, based on the investigation and

1 the evidence in this case, what does that mean?

2 A That a shooting occurred.

3 MR. GORN: Continue playing.

4 (Audio played in open court.)

5 MR. GORN: Stop there.

6 BY MR. GORN:

7 Q Based on your investigation in the case, do you have an  
8 opinion as to from this jail call and the other jail calls, who  
9 Seferino Gonzalez is referring to when he states, "I'm going to  
10 smack him, I'm going to smack the grill off him, because he got  
11 fake teeth and shit"?

12 A Yes.

13 Q Who is that?

14 A William McCord.

15 Q Why is Seferino Gonzalez, based on this context of this  
16 call and the other jail calls, why is Seferino Gonzalez saying  
17 he was going to smack the grill off of Bill McCord?

18 MS. DERBY: Objection, Your Honor, it calls for  
19 speculation. The transcript speaks for itself.

20 THE COURT: I will sustain the objection. Try to  
21 lay a foundation for his response.

22 BY MR. GORN:

23 Q Based on your investigation of the case, did you  
24 investigate and/or hear jail calls or speak with any  
25 individuals that would form the basis of your opinion that

1 Seferino Gonzalez wanted to use violence against Bill McCord?

2 A Yes.

3 Q And based on the context of this call, what we just talked  
4 about, "I'm going to smack him," do you have an opinion as to  
5 what Seferino Gonzalez meant when he was talking about Bill  
6 McCord?

7 A Yes.

8 Q What that is opinion?

9 MS. DERBY: Same objection.

10 THE COURT: Overruled.

11 BY MR. GORN:

12 Q What is that opinion, sir?

13 A That he was going to assault Bill McCord because they were  
14 having a hard time recovering this vehicle.

15 MR. GORN: Continue playing.

16 (Audio played in open court.)

17 BY MR. GORN:

18 Q Based on your investigation and the jail calls, as well as  
19 this call, do you have an opinion as to who Cheryl Perez is  
20 referring to when she says, "yeah, if he makes it there." Who  
21 is "he"?

22 A She's referring to Mohammed Alsairwan who was just shot.

23 (Audio played in open court.)

24 BY MR. GORN:

25 Q When Kelly Deshannon is saying "I'm going to call him

1 right now, actually, and take all that shit too," based on your  
2 investigation of the case do you have an opinion as to who  
3 Kelly Deshannon is referring to? Or what she is referring to?

4 A She is referring going back to the house and taking all of  
5 the property that belongs to Bill McCord.

6 MR. GORN: Can we just play it to the end.

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q I would like to direct your attention now to Government's  
10 Exhibit 221 from July 14, 2013.

11 MR. GORN: Can we just play that the first ten  
12 seconds.

13 (Audio played in open court.)

14 MR. GORN: Stop right there.

15 BY MR. GORN:

16 Q So the man's voice saying, "I got a friend that works at  
17 AAA" are you able to identify who that is for this call?

18 A Yes.

19 Q Who is that?

20 A Seferino Gonzalez.

21 Q And the woman's voice who says, "we need to do this a  
22 whole different way," are you able to identify who that is?

23 A Yes.

24 Q Who is that?

25 A Cheryl Perez.

1 (Audio played in open court.)

2 MR. GORN: Stop there.

3 BY MR. GORN:

4 Q When Seferino Gonzalez refers to "Swiftly, just go in there  
5 and tie the motherfuckers down with duct tape," based on your  
6 investigation in the case and listening to the jail calls, what  
7 is your opinion as to who Swiftly is?

8 A Jose Valencia Gonzalez.

9 Q And what is your opinion as to who the individuals are  
10 that he's talking about that would be duct taped?

11 A The individuals at the Cypress address where they are  
12 trying to recover all of William McCord's property.

13 MR. GORN: Can we continue playing.

14 (Audio played in open court.)

15 BY MR. GORN:

16 Q I would like to direct your attention to Government  
17 Exhibit 222 from July 14, 2013.

18 MR. GORN: Play the first ten seconds.

19 (Audio played in open court.)

20 MR. GORN: Can you stop right there.

21 BY MR. GORN:

22 Q The woman who states, "you know that motherfucker hit me  
23 in my nose, huh," are you able to identify who that is?

24 A Yes.

25 Q Who is that?

1 A Cheryl Perez.

2 Q And the man's voice who says "who did," who was that?

3 A Seferino Gonzalez.

4 MR. GORN: You can continue playing.

5 (Audio played in open court.)

6 MR. GORN: Stop right there.

7 BY MR. GORN:

8 Q Based on your investigation and listening to the jail  
9 calls, do you have an opinion as to who "Mohammed" is that  
10 Seferino Gonzalez is referring to?

11 A Yes.

12 Q Who is that?

13 A That is Mohammed Alsairwan, the individual that was shot.

14 Q In Covina?

15 A Yes.

16 MR. GORN: Continue playing.

17 (Audio played in open court.)

18 MR. GORN: Stop there.

19 BY MR. GORN:

20 Q The male voice that just said, "I shot his ass," do you  
21 know who that is?

22 A Yes.

23 Q Who is that?

24 A Jose Valencia Gonzalez.

25 Q How are were you able to know that?

1 A Prior context from identifying information inside of this  
2 phone call, and the conduct that occurred.

3 Q When you talk about "the conduct that occurred," and you  
4 are using it as the basis of your opinion, can you just  
5 describe the conduct you are referencing?

6 A The conduct would be the three of them -- or Kelly  
7 Deshannon, Cheryl Perez, Trisha Perez, and Jose Valencia  
8 Gonzalez going to the Cypress address, confronting Erica, and  
9 Mohammed and Mohammed being shot.

10 MR. GORN: Can we go to Government's Exhibit 229, a  
11 call from July 24th, 2013, before we play that.

12 BY MR. GORN:

13 Q After the incident in July of 2014, did law enforcement  
14 investigate a shooting at the 183 Cypress address?

15 A Yes.

16 Q Was evidence collected?

17 A Yes.

18 Q Were interviews conducted?

19 A Yes.

20 Q And by the point of July 24th, 2013, was the investigation  
21 well underway?

22 A Yes.

23 Q And was law enforcement looking at that particular time at  
24 any suspects?

25 A By July 24th, yes.

1 Q Who was law enforcement, local or federal, looking at in  
2 terms of suspects for the Covina shooting?

3 A Kelly Deshannon and Jose Valencia Gonzalez.

4 MR. GORN: I want to play the first ten seconds.

5 (Audio played in open court.)

6 MR. GORN: Stop right there.

7 BY MR. GORN:

8 Q So the woman's voice that seems to say, "you know, uh, you  
9 know, um, all, that, that happened over there," who is that?

10 A Cheryl Perez.

11 Q And the male voice before that, who is that?

12 A Seferino Gonzalez.

13 Q Can you describe the conduct in this call, are you  
14 familiar with coded language?

15 A Yes.

16 Q What is coded language?

17 A Coded language is an attempt to disguise the actual  
18 meaning of whatever you are conversing about.

19 Q Does that mean you use different words?

20 A It could mean a bunch of different things. It could mean  
21 you use different words, it could mean you talk in incomplete  
22 sentences, it could mean you have different meanings for  
23 different words.

24 MR. GORN: Continue playing.

25 (Audio played in open court.)



1 MR. GORN: Stop right there.

2 BY MR. GORN:

3 Q Cheryl Perez, based on the context of this conversation as  
4 well as what you know from the investigation involved in the  
5 Covina shooting, do you have an opinion as to what Cheryl Perez  
6 is referring to when she says "is he dead or alive"?

7 A She's referring to Mohammed Alsairwan.

8 MR. GORN: Do you want to continue playing?

9 (Audio played in open court.)

10 BY MR. GORN:

11 Q Based on the investigation, did you form an opinion as to  
12 what Cheryl Perez is talking about when they are talking about  
13 "Mohammed"?

14 A Yes.

15 Q And what's your opinion as to what she is referencing  
16 about Mohammed?

17 A She is trying to figure out if Mohammed Alsairwan survived  
18 the shooting or not.

19 MR. GORN: Can we play Government's Exhibit 225,  
20 please. That is a call from July 18th, 2013.

21 Just start the ten seconds.

22 (Audio played in open court.)

23 BY MR. GORN:

24 Q The male voice in this call, who is that?

25 A Seferino Gonzalez.

1 Q And the woman's voice, who is that?

2 A Cheryl Perez.

3 Q And based on your investigation in the case and the  
4 context of this call, as well as your investigation of the  
5 Covina shooting, what is your opinion as to the brother that  
6 Seferino Gonzalez is referring to?

7 A Jose Valencia Gonzalez.

8 MR. GORN: Continue playing.

9 (Audio played in open court.)

10 BY MR. GORN:

11 Q Is it your opinion that Cheryl Castaneda Perez is  
12 discussing kind of the -- is she describing the actual incident  
13 of the Covina assault?

14 A Yes.

15 Q Why is it your opinion -- well, do you have an opinion as  
16 to why Seferino Gonzalez appears to be worried about his  
17 brother's face being seen?

18 A Yes.

19 Q What is your opinion?

20 A He is wondering if the victims can identify his brother as  
21 a subject.

22 Q Around this time, from this call and your investigation in  
23 the case, did it appear that Seferino Gonzalez was nervous  
24 around this time about his brother's identity being discovered?

25 A Yes.

1 Q Can we focus on Government's Exhibit 226 from July 21st,  
2 2013.

3 Special Agent Talamantez, did you also review this  
4 exhibit before coming into court today?

5 A Yes.

6 MR. GORN: If we can just play this one call.

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q Let me stop right there. Do you recognize this voice?

10 A Yes.

11 Q Who is it?

12 A Jose Valencia Gonzalez.

13 Q Is this part of a -- is this part of a greater call?

14 A Yes.

15 Q But at this time had law enforcement interviewed or tried  
16 to reach out to Kelly Deshannon, Cheryl Perez, or Jose Gonzalez  
17 by July 21, 2013?

18 A Not Cheryl Perez, but Kelly Deshannon and Jose Valencia  
19 Gonzalez.

20 Q And because of that conversation and listening to these  
21 jail calls, did you form an opinion as to the context of this  
22 call from defendant Jose Valencia Gonzalez?

23 A Yes.

24 Q And what is your opinion as to the context of what he is  
25 saying here?

1 A He's relaying what a detective accused him of doing.

2 Q What is your opinion as to why Jose Valencia Gonzalez was  
3 worried about what the detective was saying?

4 A Because he is trying to figure out how he would have been  
5 identified as the shooter.

6 Q Taking your attention now to Government's Exhibit 227.

7 Did you also review Government's Exhibit 227, which is a  
8 July 28th, 2013, jail call?

9 A Yes.

10 MR. GORN: And could we just play the first ten  
11 seconds.

12 (Audio played in open court.)

13 BY MR. GORN:

14 Q The first male voice said, "yeah, okay, watch," are you  
15 able to identify who that is?

16 A Yes.

17 Q Who is that?

18 A Seferino Gonzalez.

19 Q The next male voice that says "the only thing that they  
20 found that I'm glad they found," who is that?

21 A Jose Valencia Gonzalez.

22 MR. GORN: Can we play it until the end.

23 (Audio played in open court.)

24 BY MR. GORN:

25 Q Based on your investigation in this case and your review

1 of the evidence, were .22 bullets found during the course of  
2 this investigation?

3 A At some point, yes.

4 Q But what is your opinion as to why Jose Gonzalez talking  
5 about .22 bullets?

6 A Why is he talking about .22 bullets being recovered?

7 Q Yes.

8 A He's referring to a search warrant that occurred at his  
9 residence in which law enforcement recovered 22-caliber  
10 bullets.

11 Q When Jose Gonzalez later says, "is throwing them, fool,"  
12 what does he mean by that, what is your opinion on that?

13 A That it's a different caliber of bullet that was used  
14 during the Covina assault.

15 Q Based on your investigation, do you know the type of round  
16 or caliber that was used during the Covina assault?

17 A It's a 380.

18 Q And based on your investigation, was a 380 round  
19 recovered?

20 A There actually was a 380-round recovered in the search  
21 warrant as well.

22 Q At the scene of the Covina shooting, were there any shell  
23 casings that were recovered at the scene?

24 A Yes.

25 Q And from those shell casings -- from your investigation

1 was a caliber determined from that shell casing?

2 A Yes.

3 Q What was that caliber.

4 A 380.

5 Q Going now to Government's Exhibit 227, a July 28th, 2013,  
6 call.

7 Excuse me. I'm sorry.

8 I want to change the direction and ask you about your  
9 background, training, and experience as it relates to "taxing"  
10 within the context of the Mexican Mafia.

11 Is that a term you are familiar with?

12 A Yes.

13 Q What is taxing, based on the course of this investigation  
14 that you have done, what is it?

15 A In this investigation, from reviewing the phone calls and  
16 talking to individuals, "taxing" was money that was collected  
17 from people that were committing crimes in areas that were  
18 controlled by the defendants.

19 MS. DERBY: Objection as to the last comment, that  
20 who it was on behalf of.

21 THE COURT: I will strike the last portion unless he  
22 can lay a foundation for the response.

23 MR. GORN: Of course.

24 BY MR. GORN:

25 Q In terms of taxing, is that, based on your opinion or your

1 understanding, is that just another form of extortion?

2 A Yes.

3 Q And taxing, can you just briefly describe from your  
4 experience investigating this case, how taxing is done as part  
5 of the Mexican Mafia, and how it was relevant to the  
6 investigation and the evidence that you were trying to look  
7 for?

8 A Yes. It was -- if somebody was found to be selling drugs  
9 or committing illegal activity, they would be contacted and a  
10 portion of their proceeds would be taken as an extortion or tax  
11 for the right to commit the activity in the City of Pomona.

12 Q Is there a certain amount or percentage that would be  
13 taken?

14 A A lot of times it's a third. And other times it was an  
15 amount that was agreed upon.

16 MR. FURMAN: Lack of foundation as to this case.  
17 Move to strike.

18 THE COURT: I will strike unless you lay a  
19 foundation for his response.

20 MR. GORN: Sure.

21 BY MR. GORN:

22 Q In your investigation in this case, did you hear from jail  
23 calls the terms "thirds"?

24 A Yes.

25 Q And even in these jail calls, was thirds actually

1 explained in the call themselves?

2 A It was explained, yes.

3 Q And from your understanding of those calls and your  
4 background, training, and experience as a law enforcement  
5 officer, what does a "third" mean?

6 A They explained it as it's a third of whatever profit you  
7 are generating.

8 MR. FURMAN: Objection. Vague as to "they." Move  
9 to strike.

10 THE COURT: Lay a foundation for that portion of the  
11 response.

12 MR. GORN: Okay.

13 BY MR. GORN:

14 Q When you were listening to jail calls, was there a  
15 specific individual, as part of your investigation, that talked  
16 about thirds?

17 A Yes.

18 Q Who was that person?

19 A Seferino Gonzalez.

20 Q And who did he explain thirds to in the jail calls that  
21 you listened to?

22 A Jose Valencia Gonzalez.

23 Q And what, in that call, did Seferino Gonzalez explain to  
24 defendant Jose Valencia Gonzalez what a third was?

25 A A third of the profit from people selling drugs in the



1 City of Pomona.

2 Q I want to direct your attention to Exhibit 216, a call  
3 from July 12th, 2013.

4 Did you review that exhibit before coming to Court  
5 today?

6 A Yes.

7 MR. GORN: Can we play the first ten seconds?

8 (Audio played in open court.)

9 MR. GORN: Stop right there.

10 BY MR. GORN:

11 Q The woman's voice that starts this call, who is that?

12 A Cheryl Perez.

13 Q And the man that responded, who is that?

14 A Seferino Gonzalez.

15 Q Can you explain from your investigation and the calls that  
16 you listened to, were you able to determine whether the term  
17 "rabbit" -- is that a moniker?

18 A It appears to be a moniker, yes.

19 Q Is that an individual that in the context of this call and  
20 from what you described as taxing, was that an individual that  
21 was being taxed?

22 A Yes.

23 Q And what is it about this call that makes it clear that  
24 this individual named Rabbit was being taxed?

25 A They talk about it.

1 Q So when Rabbit -- apparently, from Cheryl Perez -- is  
2 saying, "he ain't going to do it," is it your opinion that this  
3 person, Rabbit, was not going to pay the thirds tax?

4 A I don't think he would have said it just in that way  
5 because of the consequence, but he's trying to avoid paying the  
6 tax, yes.

7 MR. GORN: Can you keep playing?

8 (Audio played in open court.)

9 MR. GORN: Stop right there.

10 BY MR. GORN:

11 Q We begin talking about Rabbit, but based on the context of  
12 this phone call and your general investigation in this case, as  
13 well as your knowledge of the Pomona area and the gangs that  
14 are present there, do you have an opinion as to what it means  
15 to say, "send rabbit to the other side"?

16 A Yes.

17 Q What does that mean to you?

18 A To the other side of the railroad tracks, meaning from  
19 Cherryville territory to Pomona 12th Street territory.

20 Q Why is it, your opinion, that Seferino was saying that at  
21 this time?

22 A Kind of as a disrespect to Rabbit. He is saying that you  
23 are going to have to go to the other side and deal with 12th  
24 Street now.

25 Q Is that a threat?

1 A It's not good.

2 Q When they are saying "let them shake him up," are you  
3 familiar with the term "shake him up"?

4 A Yes.

5 Q What does that mean to you?

6 A To basically rough him up, to hassle him.

7 MR. GORN: Can we continue playing?

8 (Audio played in open court.)

9 MR. GORN: Can you stop right there.

10 BY MR. GORN:

11 Q There is a reference to a person named Dopey.

12 Based on your review of the jail calls in this case, the  
13 context, as well as your overall investigation, do you know who  
14 Dopey is?

15 A I do.

16 Q Who is Dopey?

17 A Dopey is Frank Herrera, a Pomona 12th Street gang member.

18 Q At this point in time -- so, we're talking July 12th,  
19 2013 -- were you able to determine what Dopey's role was as it  
20 related to Cheryl Perez and Seferino Gonzalez and taxing?

21 A Yes.

22 Q What was his role?

23 MS. DERBY: Objection. Lack of foundation.

24 THE COURT: Lay the foundation for the response.

25 MR. GORN: Okay.

1 BY MR. GORN:

2 Q Did you hear information from jail calls as to what  
3 Dopey's role was?

4 A Yes.

5 Q What did you learn from jail calls at -- what role Dopey  
6 had?

7 A In the phone calls, they identified Dopey as a tax  
8 collector.

9 MR. GORN: Can you continue playing, please.

10 (Audio played in open court.)

11 BY MR. GORN:

12 Q Are you familiar from your background, training, and  
13 experience as well as your work in the investigation in this  
14 case and listening to the jail calls, are you familiar with the  
15 term "feria"?

16 A Yes.

17 Q Or is it "fedia"?

18 A It's supposed to be an "r."

19 Q And when Seferino Gonzalez is saying "I'll send you to the  
20 other side and you have to pay," what does that mean, and what  
21 is your opinion as to what that means in context of taxing?

22 A It's kind of like I explained where they are sending him  
23 to the other side, meaning to the 12th Street territory, and  
24 he's going to have to pay his taxes to 12th Street. And he is  
25 saying that it doesn't matter because all of the money is going

1 to be collected by Cherryville and Cheryl regardless.

2 Q Were you familiar, based on your investigation as to --  
3 Cheryl Perez's role, in terms of managing the taxes?

4 A Yes.

5 Q Did you learn that from jail calls in this case as well as  
6 speaking to individuals in the Pomona area?

7 A Yes.

8 Q And around July of 2013, what is your opinion as to what  
9 Cheryl Perez's role was in the Pomona area?

10 MR. FURMAN: Objection. Lack of foundation.

11 THE COURT: Lay the foundation.

12 BY MR. GORN:

13 Q Sure. Did you hear jail calls referencing or giving you  
14 information as to Cheryl Perez's position in Pomona?

15 A Yes.

16 Q And did Cheryl Perez also -- in jail calls -- indicate  
17 what her position was or what her role and responsibilities  
18 would be as it related to taxing and narcotics?

19 A Yes.

20 Q And what is Cheryl Perez's role, in your opinion, based on  
21 the information that you learned from Cheryl Perez in her jail  
22 calls?

23 A She was the individual that was collecting all of the tax  
24 money in Pomona.

25 Q Is there a specific term or role she had?

1 A She was the senora.

2 Q And what would, then, would Seferino Gonzalez be below  
3 her?

4 A He would be the key holder to the city.

5 Q Now playing --

6 MR. GORN: Can we continue playing Exhibit 216?

7 (Audio played in open court.)

8 BY MR. GORN:

9 Q Okay. Can we now -- I would like to direct your attention  
10 to Government's Exhibit 217, a call from July 12th, 2013.

11 MR. GORN: Can we just play the first ten seconds.

12 (Audio played in open court.)

13 MR. GORN: Can you stop right there.

14 BY MR. GORN:

15 Q The first male individual that says he's going to handle  
16 the whole south side, who is that?

17 A Dopey, the same one they were referring to.

18 Q I'm saying -- I'm sorry. The male voice?

19 A Oh. Seferino Gonzalez.

20 Q And then the follow-up voice, the male voice that says  
21 "yeah," whose voice is that?

22 A Jose Valencia Gonzalez.

23 Q Breaking this down, when Seferino Gonzalez is referring to  
24 an individual named Dopey, is that the same Dopey or is it your  
25 opinion that is the same Dopey from Government's Exhibit --

1 excuse me -- 216?

2 A Same Dopey.

3 Q And can you just describe, in your opinion, what does it  
4 mean for Dopey to handle the whole south side?

5 A Same thing I have explained, where Pomona 12th Street  
6 controlled the south side of the tracks, so they are explicitly  
7 saying that Dopey is the person in control of the south side.

8 Q Do you understand, in terms of from these calls and your  
9 investigation, how Pomona was divided up between gangs, and  
10 also the drug distribution and the taxing?

11 A Generally, yes.

12 Q And what's your opinion as to how that was formed in the  
13 City of Pomona?

14 A Well, it was divided essentially by railroad tracks for  
15 the two biggest gangs, which is Pomona 12th Street and  
16 Cherryville. Cherryville is on the north end. Pomona 12th  
17 Street is on the south end. But ultimately, all of the taxes  
18 that are collected from the criminal activity goes to the same  
19 place, which at this time, is Cheryl Perez.

20 MR. GORN: May I continue playing.

21 (Audio played in open court.)

22 MR. GORN: Stop there.

23 BY MR. GORN:

24 Q So the individual that says "the fool says he doesn't want  
25 to sell anymore," who is that?

1 A Jose Valencia Gonzalez.

2 Q And based on your listening to your call, as well as all  
3 of the jail calls in this case, and your complete  
4 investigation, do you have an opinion to what Jose Valencia  
5 Gonzalez, the defendant, is referring to when he says, "I got  
6 in the team right now."

7 What does he mean?

8 A That he -- he got somebody that is taxing.

9 Q And when he is talking about "he gave me 200 bucks," do  
10 you have an opinion as to what that 200 bucks is for?

11 A Tax money for selling drugs.

12 Q And then when Jose Valencia Gonzalez, the defendant,  
13 refers to "Wolf," from your investigation in this case and the  
14 jail calls, were you able to form an opinion as to who Wolf is?

15 A Yes.

16 Q And who is Wolf?

17 A A gang member from San Dimas named Anthony Rivas.

18 MS. DERBY: I'm sorry, could you say that one more  
19 time?

20 THE WITNESS: What was that?

21 MS. DERBY: Objection, Your Honor. I did not hear  
22 the name. Could we have it repeated one more time?

23 MR. GORN: It's not an objection, Your Honor.

24 THE COURT: She's asking him to repeat the name.

25 MR. GORN: I can ask him again.



1 BY MR. GORN:

2 Q Could you repeat the name of Wolf?

3 A It's a San Dimas based gang member named Anthony Rivas.

4 Q And for Wolf, based on the context of this call, are you  
5 able to determine what role he was playing in terms of taxes?

6 A Wolf was being taxed.

7 Q And the role that defendant Jose Valencia Gonzalez is  
8 describing, by getting 200 bucks, are you able to have an  
9 opinion, or do you have an opinion, based on your investigation  
10 and this call, as to what role defendant Jose Valencia Gonzalez  
11 had in terms of taxing?

12 A He was the one collecting the tax from Wolf.

13 MR. GORN: Can we continue playing.

14 (Audio played in open court.)

15 BY MR. GORN:

16 Q When defendant Jose Valencia -- excuse me, when Seferino  
17 Gonzalez references Popeye, based on your investigation in this  
18 case, as well as the context of this call and the jail call, do  
19 you form an opinion as to who Popeye is that Seferino Gonzalez  
20 is referring to?

21 A Yes.

22 Q And who is that individual?

23 A Carlos Gonzalez.

24 Q Is that the defendant to my left?

25 A Yes.

1 MR. GORN: Can we continue playing?

2 (Audio played in open court.)

3 MR. KHOJAYAN: Your Honor, may we take a break at  
4 some point.

5 THE COURT: All right. Why don't we take a break  
6 and come back at 10 after 3.

7 MR. KHOJAYAN: Thank you, Your Honor.

8 (Afternoon recess.)

9 (Jury enters the courtroom at 3:12 p.m.)

10 THE COURTROOM DEPUTY: You may be seated.

11 THE COURT: All right. Good afternoon, ladies and  
12 gentlemen. I just want to let you know, on Monday we're going  
13 to be starting at 10:30 because I have a major item in my  
14 morning calendar.

15 We're going to start at 10:30 on Monday.

16 All right. Let's continue with the examination.

17 MR. GORN: Thank you.

18 BY MR. GORN:

19 Q Special Agent Talamantez, did you review Government's  
20 Exhibit 218 -- another jail call from July 14th, 2013 -- before  
21 coming into court today?

22 A Yes.

23 MR. GORN: Can we pull up 218. Thanks.

24 Can we play the first ten seconds, please.

25 (Audio played in open court.)

1 MR. GORN: Stop right there.

2 BY MR. GORN:

3 Q So, the first voice that says, "you know of a place called  
4 the compound," who is that?

5 A Seferino Gonzalez.

6 Q And the male response that says, "a what?" Who is that?

7 A Jose Valencia Gonzalez.

8 MR. GORN: Can we keep playing?

9 (Audio played in open court.)

10 BY MR. GORN:

11 Q Have you been to the compound?

12 A I have.

13 Q And where is it?

14 A It's essentially where they explain it, but describing it  
15 as a place that rents cars is generous.

16 Q What is it actually?

17 A A big empty field that has a bunch of people living in  
18 cars, and transients and things. And there is a bunch of  
19 people selling drugs there.

20 Q Based on your investigation and the jail call that we're  
21 listening to here, as well as other jail calls for context, do  
22 you have an opinion as to what Seferino Gonzalez is referring  
23 to when he says the compound?

24 A Referring to that location.

25 Q And is that -- excuse me, is that in Pomona?

1 A Yes, it's in Pomona.

2 Q And that location that you described for drugs, is there  
3 something in this call based on your investigation that  
4 references drug dealing or drug sales?

5 A Yes.

6 Q And what is the language used in this call that indicates  
7 that?

8 A One, they refer to it "all day, every day, 24/7." And  
9 then they follow that up with saying "nickels, dimes, and  
10 twenties," referring to denominations of drugs that are being  
11 sold.

12 Q Based on your investigation, did you learn about Seferino  
13 Gonzalez and Jose Valencia Gonzalez's attempts to, quote, take  
14 over, or to take over the compound?

15 A Yes.

16 Q And based on your opinion, what did Seferino Gonzalez and  
17 Defendant Jose Gonzalez do from your listening of the jail  
18 calls?

19 A From these phones calls, they are planning to go to the  
20 compound to taxing drug dealers that are paid there.

21 Q You mean taxing, do you mean extortion?

22 A Yes.

23 MR. GORN: Can we continue.

24 (Audio played in open court.)

25 BY MR. GORN:

1 Q Based on your opinion and listening to this call, your  
2 knowledge of the Pomona area, and what you previously referred  
3 to as the railroad tracks, is it your opinion that the railroad  
4 tracks that Seferino Gonzalez refers to in this case is in  
5 Pomona?

6 A Yes.

7 Q And this location of the compound, is the location where  
8 the compound is in a Cherryville or a 12th Street area?

9 A It is. I don't recall which one, but it's in Pomona by  
10 the tracks.

11 Q Okay. And the directions that Seferino Gonzalez -- is  
12 that reasonably accurate enough to the location that you  
13 visited that you know to be the compound?

14 A Yes.

15 Q And I want to talk to you about Gloria.

16 Based on your investigation in this case, and listening  
17 to jail calls, and your further investigation as to visiting  
18 the compound, do you have an opinion as to who Gloria is?

19 A Yes.

20 Q Who is Gloria?

21 A I believe her last name is Pacheco. But it's Gloria, I  
22 think, Pacheco.

23 Q And what is your opinion as to what Gloria Pacheco's role  
24 is in reference to the compound?

25 A She was, like, the person who kind of ran the compound.

1 Q And when you say "ran," what did she run?

2 A She, kind of, took care of and tried to keep everybody in  
3 line of all of the people that were selling there.

4 Q And is it your opinion that when Seferino Gonzalez and  
5 when Jose Gonzalez are talking about taxing earlier in the  
6 call, is that the individual, based on your opinion, that they  
7 would tax?

8 A They would tax everybody that was at compound; that's who  
9 they were going to contact to make it happen.

10 MR. GORN: Can we continue playing.

11 (Audio played in open court.)

12 MR. GORN: Can you stop right there.

13 BY MR. GORN:

14 Q When Seferino refers to Spooky, based on your opinion and  
15 your knowledge and speaking with Seferino Gonzalez, do you know  
16 who Spooky is that he is referring to?

17 A Yes.

18 Q And who is that?

19 A That is Seferino Gonzalez referring to himself in the  
20 third person, by his moniker.

21 Q And when Seferino says, "tell her that Spooky sent you on  
22 behalf of Bill," do you also have an opinion as to who Bill is  
23 based on the context of this call, as well as the other calls  
24 that we had referencing Bill McCord?

25 A Yes.

1 Q And what is your opinion?

2 A That it's Bill McCord, and they have kind of referenced  
3 this previously.

4 Q And based on your investigation, do you know what Bill  
5 McCord's connection was at the time, in 2013, to the compound?

6 A Based on these phone calls, it appears that Bill McCord  
7 was the supplier of drugs to the people at the compound.

8 Q Did Bill McCord's role change in your opinion once  
9 Seferino Gonzalez and Jose Gonzalez attempted to tax the  
10 compound?

11 A Well, it changed for a couple of reasons. One, he was in  
12 jail and unable to supply the drugs. And he made the mistakes  
13 of telling Seferino where it was.

14 Q In your opinion, why did he tell Seferino Gonzalez where  
15 it was?

16 A To gain favor, or what he thought would be favor, at the  
17 time.

18 Q Did that work out for him?

19 A It did not.

20 MR. GORN: Can you continue playing?

21 (Audio played in open court.)

22 MR. GORN: Can you stop?

23 BY MR. GORN:

24 Q When Seferino Gonzalez says "that woman, fool, sells the  
25 other kind, fool," based on your investigation and your

1 knowledge and background and experience as it relates to  
2 narcotics, do you have an opinion as to what Seferino Gonzalez  
3 is referring to?

4 A The black kind he's referring to is heroin.

5 Q Okay. Why is it, in your opinion, that Seferino Gonzalez  
6 calls it "the other kind"?

7 A He's differentiating it from methamphetamine. So, black  
8 and white.

9 MR. GORN: Can you play it.

10 (Audio played in open court.)

11 BY MR. GORN:

12 Q So, stopping that call, when Seferino Gonzalez refers to  
13 "you can get it from Cheryl, if you want," do you have an  
14 opinion, based on your investigation, as to who is Seferino is  
15 referring to when he mentioned Cheryl?

16 A Cheryl Perez.

17 MR. GORN: Can you continue. Thank you.

18 (Audio played in open court.)

19 BY MR. GORN:

20 Q Seferino Gonzalez mentions in this call that they pay the  
21 third from there. You previously opined and described the  
22 meaning of what a third is.

23 Is it your opinion that Seferino Gonzalez is referring  
24 to the third, which is a tax?

25 A Yes.



1 Q And why do you believe that?

2 A From this investigation and the context. And they are  
3 going to explicitly explain it in a phone call.

4 MR. GORN: Can you continue.

5 (Audio played in open court.)

6 MR. GORN: Stop there.

7 BY MR. GORN:

8 Q Based on your opinion and your knowledge of this  
9 investigation and listening to all of the jail calls, are you  
10 able to explain and give an opinion as to what Seferino  
11 Gonzalez means "you keep one third of it, fool"?

12 A He's talking about the extortion tax of keeping one third.

13 MR. GORN: You can continue.

14 (Audio played in open court.)

15 BY MR. GORN:

16 Q Based on your investigation, is it your opinion that  
17 Seferino Gonzalez and defendant Jose Valencia Gonzalez took  
18 that compound over?

19 A Yes.

20 Q And how did they do that?

21 A By going over there and collecting taxes and telling the  
22 drug dealers that they would be required to pay.

23 Q I'd like to direct your attention to Government's  
24 Exhibit 223 from July 14, 2013.

25 MR. GORN: Can we just play the beginning.

1 (Audio played in open court.)

2 MR. GORN: Stop there.

3 BY MR. GORN:

4 Q The first male voice, do you know who that is?

5 A Yes.

6 Q Who is that?

7 A Seferino Gonzalez.

8 Q And the woman that responds after that, who is that?

9 A Kelly Deshannon.

10 Q And based on your investigation and your review of the  
11 calls in this case, as well as this particular call, do you  
12 have an opinion as to who "Swiftly" is that Seferino Gonzalez is  
13 referencing from this call?

14 A Yes.

15 Q Who is that?

16 A Jose Valencia Gonzalez.

17 Q And Kelly Deshannon when she references "they want to pay  
18 150 for a quarter though," based on your background, training,  
19 and experience as it relates to drug distribution, as well as  
20 your investigation in this case, do you have an opinion as to  
21 what that is referencing?

22 A \$150 for quarter ounce of drugs.

23 MR. GORN: Continue.

24 (Audio played in open court.)

25 BY MR. GORN:

1 Q Is it your opinion that based on this call that -- and the  
2 investigation that you have conducted that Seferino Gonzalez is  
3 explaining to Kelly about a drug distribution scheme?

4 A Yes. And the profits.

5 Q Can we now look at Government Exhibit 228. A call from  
6 July 21st, 2013.

7 MR. GORN: Can we just play the first ten seconds.

8 (Audio played in open court.)

9 MR. GORN: Stop right there.

10 BY MR. GORN:

11 Q The woman's voice that started that call, who is that in  
12 Exhibit 228?

13 A That is Cheryl Perez.

14 Q And I should have asked you this before, but did Cheryl  
15 Perez also go by "Castaneda" at all?

16 A She did.

17 Q And Seferino Gonzalez, do you hear his voice in the call?

18 A Yes.

19 Q Is that the other male in the call?

20 A Yes.

21 MR. GORN: If we can continue.

22 (Audio played in open court.)

23 BY MR. GORN:

24 Q When Cheryl Castaneda Perez is talking about "two 8  
25 balls," are you familiar with that term?

1 A Yes.

2 Q Based on your background, training, and experience as it  
3 relates to narcotics and distributing quantities, do you know  
4 what 8 balls means?

5 A Yes.

6 Q What is it?

7 A One-eighth of an ounce or 3.5 grams.

8 Q Is it your opinion, based on listening to this call so far  
9 about the quantities they are discussing, is it about drug  
10 distribution?

11 A Yes.

12 Q And earlier in the call there is a reference to "12th  
13 Street." Are you able to give context and have an opinion as  
14 to why 12th Street is being referred to by Cheryl Perez in this  
15 call?

16 A Because she at this point is the senora so she's  
17 collecting taxes from 12th Street.

18 Q Is that presenting a problem for her?

19 A She's irritated by something, but it's not -- there is a  
20 problem she's dealing with.

21 MR. GORN: Continue.

22 (Audio played in open court.)

23 BY MR. GORN:

24 Q When Cheryl Perez is talking about "it's not going to  
25 happen like that," based on this call and the jail calls you

1 listened to in this case and your investigation, do you have an  
2 opinion as to why Cheryl Perez is telling another individual  
3 not to ask for drugs?

4 A Yes.

5 Q What is your opinion?

6 A Cheryl has set the rules she wants everybody to follow,  
7 which included not asking for drugs in the way this person did,  
8 so Cheryl is voicing her displeasure to Seferino on what has  
9 occurred.

10 MR. GORN: Play.

11 (Audio played in open court.)

12 BY MR. GORN:

13 Q Special Agent Talamantez, do you have an opinion based on  
14 the investigation as to who Swifty is that Seferino Gonzalez is  
15 referring to when he says "then like Swifty can do it"?

16 A Yes.

17 Q Who is that?

18 A Jose Valencia Gonzalez.

19 Q Now, when Seferino Gonzalez is referencing "a good  
20 amount," versus "if he wants the other shit I can do it from  
21 here" can you just describe what that means, in your opinion as  
22 to what that means?

23 MR. KHOJAYAN: Speculation, improper 701.

24 THE COURT: Lay a foundation for the response.

25 BY MR. GORN:

1 Q Sure. "A good amount" based on your background, training,  
2 and experience in drug distribution, do you have an opinion as  
3 to what that means versus Seferino offering what appears to be  
4 smaller quantities?

5 A Yes. Based on this phone call they appear to be talking  
6 about larger amounts of drugs than 8 balls.

7 Q And because Seferino Gonzalez at this time is in custody,  
8 correct, is he limited in terms of the amounts that he can  
9 distribute because of his position inside custody?

10 A Personally, yes. He needs people to help him.

11 Q Can we -- I'd like to direct your attention to  
12 Government's Exhibit 232, a call from July 7, 2013.

13 MR. GORN: And can we play the first ten seconds  
14 again.

15 (Audio played in open court.)

16 MR. GORN: Can you stop right there.

17 BY MR. GORN:

18 Q The first male voice, are you able to identify who that  
19 is?

20 A That is Seferino Gonzalez.

21 Q And the second male voice, are you able to identify who  
22 that is?

23 A Yes.

24 Q Who is that?

25 A William McCord or Bill McCord.

1 (Audio played in open court.)

2 MR. GORN: Stop right there.

3 BY MR. GORN:

4 Q Based on your investigation in this case, and your  
5 background, training, and experience in the Pomona area, do you  
6 have an opinion as to what Seferino Gonzalez means when he says  
7 "my man has the keys to this city"?

8 A Yes.

9 Q What does that mean?

10 A That he is the gang member that controls how the city  
11 operates.

12 Q Why does he say that in response to 12th Street in this  
13 call?

14 A He is explaining that if somebody from 12th Street goes  
15 that she is to explain that she's with Seferino who is the  
16 keyholder of the city, meaning that the 12th Streeters would  
17 have to respect his influence and authority.

18 MR. GORN: You can continue.

19 (Audio played in open court.)

20 MR. GORN: I want to direct your attention now to  
21 Government's Exhibit 215, another call from July 12th, 2013.

22 BY MR. GORN:

23 Q From your investigation as it progressed were you able to  
24 determine and form an opinion how the structure was formed  
25 between Cheryl Castaneda Perez, Seferino Gonzalez, Kelly

1 Deshannon, and defendant Jose Valencia Gonzalez?

2 A Yes.

3 Q And what is your opinion based on listening to these jail  
4 calls as to what that structure was?

5 MR. KHOJAYAN: Objection, improper 701.

6 THE COURT: Lay the foundation.

7 MR. GORN: Sure.

8 Can we play the first ten seconds of Government  
9 Exhibit 215?

10 (Audio played in open court.)

11 MR. GORN: Can you stop.

12 BY MR. GORN:

13 Q The male voice in this call, are you able to identify who  
14 that is?

15 A Yes.

16 Q Who is that?

17 A Seferino Gonzalez.

18 Q And the woman on the line, are you able to identify who  
19 that is?

20 A Yes.

21 Q Who is that?

22 A Cheryl Perez.

23 MR. GORN: Keep going.

24 (Audio played in open court.)

25 MR. GORN: Stop.



1 BY MR. GORN:

2 Q Based on your investigation and your background, training,  
3 and experience and listening to jail calls as well, have you  
4 heard individuals refer to an item as a "toy" in code?

5 A Yes.

6 Q Based on your background, training, and experience and  
7 what you have heard in this case, are you able to form an  
8 opinion when Cheryl Perez and Seferino Gonzalez say "toys,"  
9 what they are referring to?

10 A Firearms.

11 (Audio played in open court.)

12 MR. GORN: Can you stop right there.

13 BY MR. GORN:

14 Q When Cheryl Perez references "going to strip the fuck up,"  
15 is that code or slang for something else?

16 A Yeah, I believe she probably means "strap the fuck up,"  
17 but yes.

18 Q Do you have an opinion as to what Cheryl Perez was  
19 referencing when she said that?

20 A I believe she's hesitant to supply guns to other gangs  
21 because there is a chance that it could be used against them.

22 Q You referenced earlier that it's your opinion that toys  
23 refers to firearms; is that correct?

24 A Correct.

25 Q But you are now saying guns. When you say "firearms" do

1 you mean guns?

2 A Firearms is guns, yes.

3 Q One other question.

4 When Cheryl Perez says, "he fucking looked all  
5 chunk," do you have an opinion or do you have knowledge as to  
6 what that means?

7 A I believe she's referring that he looked maybe on drugs.

8 (Audio played in open court.)

9 BY MR. GORN:

10 Q Based on your investigation and your background,  
11 knowledge, and experience and listening to all of these jail  
12 calls, did you form an opinion as to who Cheryl Perez was  
13 referring to when she mentioned "brother"?

14 A Yes.

15 Q What is your opinion?

16 A Mike Lerma.

17 Q Why do you believe that?

18 MS. DERBY: Objection, Your Honor, lack of  
19 foundation, we have never even heard that name yet.

20 THE COURT: Lay the foundation.

21 BY MR. GORN:

22 Q In regards to the Mexican Mafia, are you familiar with the  
23 title "brother"?

24 A Yes.

25 Q And what does that term mean to you?

1 A It is one of the terms that is commonly used, referred to  
2 a Mexican Mafia member.

3 MR. FURMAN: Object to lack of foundation and move  
4 to strike.

5 MR. KHOJAYAN: Improper 701.

6 THE COURT: Lay the foundation properly.

7 BY MR. GORN:

8 Q Have you listened to jail calls in your investigation and  
9 in this investigation that reference the term "brother"?

10 A Yes.

11 Q And from those calls, are you able to gain a context as to  
12 what brother means in terms of the Mexican Mafia and the role  
13 that it holds?

14 A Yes.

15 Q And from those calls and your overall investigation in  
16 this case, are you able to give an opinion as to what you  
17 believe the term entitled "brother" means as it relates to the  
18 Mexican Mafia?

19 A Yes.

20 Q What does that mean to you?

21 A It is a term that refers to a Mexican Mafia member.

22 Q And when you are listening to the call from Cheryl Perez  
23 here in Government's Exhibit 215, are you able to determine the  
24 context similarly as to what brother means whether Cheryl Perez  
25 says it?

1 A Yes.

2 Q What is your opinion that Cheryl Perez means or what do  
3 you believe Cheryl Perez means when she says "brother"?

4 MS. DERBY: Objection.

5 MR. KHOJAYAN: Lacks foundation.

6 MS. DERBY: As to there's 150 brothers we've been  
7 told. So objection, no foundation.

8 MR. KHOJAYAN: Speculation.

9 MS. DERBY: And additionally, Your Honor, he has  
10 three brothers, real biological brothers.

11 MR. GORN: Your Honor --

12 THE COURT: Let me stop. I will overrule the  
13 objections. You can question him on the cross on the point.

14 BY MR. GORN:

15 Q You can answer the question, what does Cheryl Perez mean  
16 in your opinion when she refers to brother?

17 A She's referring to Mike Lerma as a Mexican Mafia member.

18 MS. DERBY: Objection, motion to strike, lacks  
19 foundation.

20 THE COURT: I will sustain the objection.

21 BY MR. GORN:

22 Q I will ask it again with more background.

23 Did you listen to the entire context of this call?

24 A Yes.

25 Q Did you listen to other calls in this investigation where

1 Cheryl Perez spoke as to her role as a senora?

2 A Yes.

3 Q Were you able from her explaining her role in those jail  
4 calls, as well as all of your investigation and speaking with  
5 other individuals as to whether Cheryl Perez referred to Mike  
6 Lerma as a brother of the Mexican Mafia?

7 A Yes.

8 Q And based on that, what is your opinion when Cheryl Perez  
9 is saying in this call a brother?

10 A She's referring to Mike Lerma.

11 MR. GORN: Can you continue.

12 (Audio played in open court.)

13 MR. GORN: Can you stop right there.

14 BY MR. GORN:

15 Q When Seferino Gonzalez states "because your brother would  
16 not have gave up anything if he didn't trust them fools" based  
17 on your investigation and listening to the jail calls, do you  
18 have an opinion as to what Seferino Gonzalez -- excuse me, who  
19 Seferino Gonzalez is referring to when he says "your brother  
20 would have not gave up anything."

21 MR. FURMAN: Objection, improper -- lack of  
22 foundation, calls for speculation.

23 THE COURT: Let me have counsel on sidebar.

24 (Sidebar begins.)

25 THE COURT: You know, I'm allowing you to question

1 this witness about his investigation. Obviously when there are  
2 terms that are utilized that may not be in the normal context  
3 of what a person would understand, I'm allowing you to explain  
4 through his investigation what those terms mean, but you keep  
5 on asking him the ultimate questions on this, which is not  
6 proper. And I told you not to do it that way.

7 MR. GORN: This is based on his investigation and  
8 the context of this call.

9 THE COURT: No.

10 MR. GORN: It's not a broad question, it's a narrow  
11 question.

12 THE COURT: No. You can ask him about what the term  
13 brother means in this context of this particular call. That's  
14 not -- you asked him what does the term brother mean to refer  
15 specific to Mike Lerma. You basically asked him is Mike Lerma  
16 a brother which means a member of the Mexican Mafia. That is  
17 exactly what you asked him.

18 MR. GORN: No, I asked based on the investigation,  
19 based on the call and the context of this call, what do you --  
20 what's your opinion as to what Seferino Gonzalez is referring  
21 to when he says brother.

22 THE COURT: That's not the way you asked it. You  
23 said is Michael Lerma the brother that is being referred to.

24 MR. GORN: I didn't say Michael Lerma.

25 MR. NOVAK: Your Honor, the fact that he did an

1 investigation, the fact that he's the case agent or the fact  
2 that he's like the primary law enforcement officer doesn't mean  
3 he can express opinions which are appropriate for designated  
4 experts.

5 MR. GORN: We have already been through this before.  
6 It's not about naming Mike Lerma in that, it's the context of  
7 the call that's what I'm asking him about and his  
8 investigation.

9 THE COURT: You didn't ask -- for example, what you  
10 need to do when you do this sort of thing is you need to  
11 reference a specific language of the call that refers to  
12 brother, you say, "What does that mean?"

13 MR. GORN: I started with that.

14 THE COURT: Yes, and I didn't have any problem with  
15 that.

16 MS. DERBY: Your Honor, there has been no foundation  
17 laid as to how he is labeling this brother with the wild leap  
18 over to Michael Lerma, other than, well, I have listened to a  
19 lot of phone calls. There is no foundation made.

20 THE COURT: You didn't object to the question prior  
21 where he asked that, so if there wasn't an objection, there's  
22 nothing for me to rule on on that one.

23 There was an objection to this latest one and I'm  
24 sustaining the objection. This is one of the Government  
25 counsel's problems I'm having with this questioning. What more

1 can I say.

2 MR. GORN: Understood.

3 (Sidebar ends.)

4 MR. GORN: Can you continue playing.

5 (Audio played in open court.)

6 MR. GORN: Stop right there.

7 BY MR. GORN:

8 Q Special Agent Talamantez, based on this call and the jail  
9 calls you have reviewed in this case were you able to determine  
10 and form an opinion as to who "Nato" is?

11 A Yes.

12 Q Who is Nato?

13 A Donato Gonzales, goes by Nato, a influence Pomona 12th  
14 Street gang member and Mexican Mafia member.

15 Q What does it mean in the context of this call where he  
16 would give it to Nato? Do you have an opinion as to what that  
17 means?

18 A Yes.

19 Q What is that opinion?

20 A That he would have made -- that Lerma would have made Nato  
21 the keyholder and not Seferino.

22 MR. FURMAN: Calls for speculation and lacks of  
23 foundation. Move to strike.

24 THE COURT: I will sustain that.

25 MR. GORN: Okay.



1 BY MR. GORN:

2 Q I would like to direct your attention now to Government's  
3 Exhibit 230. Did you review Government's Exhibit 230 from  
4 July 28th, 2013?

5 A Yes.

6 Q What is that --

7 MR. GORN: Excuse me, can we just play the first ten  
8 seconds?

9 (Audio played in open court.)

10 MR. GORN: Stop there.

11 BY MR. GORN:

12 Q The first male voice in this call saying, "I talked to  
13 Swifty today," can you identify that person?

14 A Seferino Gonzalez.

15 Q And the woman in the call, are you able to identify who  
16 that is?

17 A Yes.

18 Q And who is that?

19 A Cheryl Perez.

20 MR. GORN: Can you continue.

21 (Audio played in open court.)

22 BY MR. GORN:

23 Q Based on your investigation and listening to this call,  
24 when Cheryl Castaneda Perez states, "they want to go straight  
25 through me" --

1 THE COURT: Let me stop you, counsel, I think you  
2 misheard his answer.

3 MR. GORN: I'm sorry?

4 THE COURT: I think you misheard his answer. Maybe  
5 I misheard his answer. I thought you asked "and the woman  
6 identified in the call, are you able to identify who that is?"  
7 His answer is "yes." You asked who is that and his answer was  
8 "Cheryl Perez."

9 MR. GORN: Yes.

10 THE COURT: So then it's unclear what you are  
11 referring to in the question. In other words --

12 MR. GORN: Oh, I'm sorry. I can rephrase that.  
13 Thank you, Your Honor.

14 BY MR. GORN:

15 Q Special Agent Talamantez, did you hear at a point in the  
16 conversation a speaker say, "they want to go straight through  
17 me"?

18 A Yes.

19 Q And are you able to identify who that person is?

20 A Yes.

21 Q And who is that?

22 A Cheryl Perez.

23 Q Based on the context of this call, as well as the calls  
24 you've listened to previously, as well as your investigation,  
25 are you able to form an opinion as to what Cheryl Perez means

1 when she says "go straight through me"?

2 A Yes.

3 Q What is that opinion?

4 A She's referring to gang members that have a problem going  
5 straight to her with whatever their problem is.

6 Q Why is that a problem --

7 THE COURT: Let me have counsel on sidebar.

8 (Sidebar begins.)

9 THE COURT: Let me ask, according to the transcript  
10 the person who's speaking is Cheryl Castaneda.

11 MR. GORN: Yes.

12 THE COURT: So you're saying she's Cheryl --

13 MR. GORN: He clarified that.

14 THE COURT: Is that for all of these or special  
15 ones? So, in other words, you clarified for purposes of this  
16 one in particular.

17 MR. GORN: No, no, she's always been Cheryl Perez.  
18 We already got out that she also went by Cheryl Castaneda.  
19 That came out earlier. I'm sorry about the confusion.

20 THE COURT: I thought they were separate for  
21 something else. Weren't they?

22 MR. GORN: I'm sorry?

23 THE COURT: I thought they were separate for  
24 something else or does everybody agree that Cheryl Castaneda  
25 has been always been Cheryl Perez?

1 MR. NOVAK: The problem is we heard -- we saw many  
2 transcripts where it said Castaneda but they were using the  
3 name Perez. And then about a half an hour, maybe an hour ago,  
4 I don't know, it was Perez Castaneda. There is another Perez  
5 but that is not this person.

6 THE COURT: Well, maybe I'm just confused. So why  
7 don't we clarify it so the jurors are not misunderstanding.

8 MR. GORN: I can do that.

9 THE COURT: Okay, just do it again.

10 (Sidebar ends.)

11 MR. GORN: Let me just ask you -- I'm sorry,  
12 counsel.

13 BY MR. GORN:

14 Q Special Agent Talamantez, maybe we discussed this, if I  
15 haven't, I'm sorry. Cheryl Perez, did she also go by a  
16 different last name?

17 A Cheryl Perez Castaneda.

18 Q Is that in this transcript saying Cheryl Castaneda, are  
19 you still referring to the individual that you know as Cheryl  
20 Perez?

21 A Yes. She goes by both names, I know her as Cheryl Perez  
22 for a number of years. I can try to refer to her as Cheryl  
23 Castaneda, if you prefer.

24 Q No, I'm just asking if there's a difference in the person?

25 A It is the same person.

1 Q So I will go back to my original question for you earlier.

2 In this call when Cheryl Perez references "they want to  
3 go straight through me," based on the context of this call and  
4 your investigation, are you able to opine and give an opinion  
5 as to what she means whether she says that?

6 A Yes.

7 Q What does she mean based on your opinion?

8 A She's referring to gang members that have a problem coming  
9 directly to her with whatever that problem is. And she doesn't  
10 like it. It's not her role.

11 MR. GORN: Can you continue.

12 (Audio played in open court.)

13 BY MR. GORN:

14 Q Special Agent Talamantez, based on your investigation and  
15 listening to the call in this case -- and the jail calls in  
16 this case, did you form an opinion as to what Cheryl Perez was  
17 speaking about when she said "it's my choice and my call"?

18 A Yes.

19 Q What is your opinion?

20 A Her rule, that gang members with problems do not go  
21 directly to her with whatever that problem is.

22 Q And then when she continues and says, "you have a problem,  
23 you go through him," also based on the investigation and this  
24 call and jail calls that you have listened to in this case, do  
25 you have an opinion as to who she's referring to?

1 MS. DERBY: Objection, lacks foundation.

2 THE COURT: Lay the foundation.

3 BY MR. GORN:

4 Q Based on jail calls, did you get further context as to  
5 Cheryl Castaneda -- excuse me, Cheryl Perez and what she would  
6 mean when she said "if you can't answer, he'll call me, I'll  
7 let him know"?

8 MS. DERBY: Objection, calls for speculation.

9 THE COURT: Lay the foundation.

10 BY MR. GORN:

11 Q Based on the investigation in this case, did you determine  
12 a structure in how Cheryl Perez would communicate with other  
13 individuals in Pomona regarding criminal activity?

14 MR. FURMAN: Objection, vague as to structure, and  
15 communicate.

16 THE COURT: Rephrase the question.

17 BY MR. GORN:

18 Q During this call in July 28th, 2013, as referenced in  
19 Exhibit 230, and your knowledge of this investigation are you  
20 able to determine Cheryl Perez's role as a senora in Pomona?

21 MR. FURMAN: Objection, asked and answered.

22 THE COURT: I will sustain the objection.

23 BY MR. GORN:

24 Q Based on your investigation and this call, are you able to  
25 form an opinion as to what Cheryl Perez meant when she said "if

1 he can't answer, he'll call me"?

2 A Yes. She describes who is that in this call. It's Jose  
3 Valencia Gonzalez.

4 Q And why do you form that opinion?

5 A Because she says that she was talking to Swifty in this  
6 call.

7 Q Based on her statement that it was Jose Valencia Gonzalez  
8 -- or excuse me, her inference that it was Jose Valencia  
9 Gonzalez, are you able to determine what Defendant Jose  
10 Valencia Gonzalez's role was in Pomona on July 28th, 2013,  
11 based on this exhibit?

12 MR. KHOJAYAN: Objection. Improper 701.

13 THE COURT: Rephrase the question.

14 BY MR. GORN:

15 Q Sure. Does Exhibit 230, in your opinion, explain what  
16 defendant Jose Valencia Gonzalez's role would be in relation to  
17 Cheryl Perez around July 28th, 2013?

18 A Yes.

19 Q And in your opinion, what would that role be?

20 MR. KHOJAYAN: Objection. Improper 701. Vague.  
21 Calls for narrative.

22 THE COURT: There is just so much to choose from.

23 I will allow you one more opportunity to try to  
24 rephrase the question.

25 BY MR. GORN:

1 Q In this call in Exhibit 230, are you able to form an  
2 opinion as to defendant Jose Valencia Gonzalez's role as it  
3 relates to Cheryl Perez?

4 MR. KHOJAYAN: Objection. Improper 701.

5 THE COURT: Overruled.

6 MR. GORN: You can answer the question.

7 THE WITNESS: Yes. He works for Cheryl.

8 BY MR. GORN:

9 Q I want to draw your attention now to Government's  
10 Exhibit 231, a call from July 28th, 2013.

11 MR. GORN: Can you play the first ten seconds.

12 (Audio played in open court.)

13 BY MR. GORN:

14 Q The woman that is speaking in this call that says "to me,  
15 he is me," are you able to identify who that is?

16 A Yes. This is a continuation of the previous phone call.  
17 She's still referring to Jose Valencia Gonzalez.

18 Q My question for you is, is that woman -- is that Cheryl  
19 Perez that is saying "to me, he is me"?

20 A Yes.

21 Q And Seferino Gonzalez, is that the man that is speaking in  
22 the this call?

23 A Same individual in the previous call, yes, Seferino  
24 Gonzalez.

25 Q Based on your investigation in this case and the context



1 of this call, and also in comparison to Government's  
2 Exhibit 230, are you able to determine or form an opinion as to  
3 what Cheryl Perez is referring to when she says "he is me"?  
4 A Yes. It's a continuation of the previous phone call where  
5 she was referring to Jose Valencia Gonzalez.

6 MR. GORN: Can you continue.

7 (Audio played in open court.)

8 MR. GORN: Stop there.

9 BY MR. GORN:

10 Q Based on your investigation and the context of this call,  
11 are you able to form an opinion as to what Seferino Gonzalez  
12 means when he says "we're the homies, we're the fucking --  
13 we're his eyes, we're his ears"?

14 A Yes.

15 Q And what is your opinion?

16 MR. KHOJAYAN: Objection. Improper 701.  
17 Speculation. Foundation.

18 THE COURT: Lay a foundation for his response.

19 MR. GORN: Sure.

20 BY MR. GORN:

21 Q Have you listened to jail calls in this investigation and  
22 in this case where individuals have referred to "we're his  
23 eyes" and "we're his ears"?

24 A Yes.

25 Q Are you able to determine context when this statement is

1 made as to what that means?

2 A Yes.

3 Q And are those from people that you know and from people  
4 whose role in gangs and in the Pomona area is one that you  
5 already know?

6 A Yes.

7 Q And when those people say it, are you able to make a  
8 determination as to what that means?

9 A Yes.

10 Q And when you look at this call, when you see Seferino  
11 Gonzalez or hear Seferino Gonzalez state, "we're his eyes,  
12 we're his ears," what does that mean to you? Are you able to  
13 form an opinion, based on your investigation?

14 MR. KHOJAYAN: Objection. Improper 701. And then  
15 704(b).

16 THE COURT: Let me stop, I will allow him to discuss  
17 in the prior references what they were referring to.

18 MR. GORN: Okay.

19 THE COURT: His understanding. And I will allow you  
20 to ask him whether or not, in his understanding, that is the  
21 same capacity.

22 MR. GORN: Okay.

23 BY MR. GORN:

24 Q In the prior calls you referenced where you have heard  
25 "we're his eyes, we're his ears," were you able to make a

1 determination as to what that meant?

2 A Yes. We have listened to it. It was when Seferino was  
3 referring to Kelly Deshannon being his eyes and ears because in  
4 that instance Seferino was in LA County jail and he needed  
5 Kelly to tell him what was going on in the city. This is  
6 similar to that but different.

7 Q How is it different?

8 A Because it's referring to a different individual who they  
9 are being the eyes and ears for within the City of Pomona.

10 Q Based on your investigation and in this call and in the  
11 jail calls you have listened to, are you able to form an  
12 opinion as to how it's different?

13 A Yes.

14 Q And how is it different?

15 A Because in this instance, they are talking about the  
16 person who is in control of the city, being Mike Lerma, instead  
17 of Seferino being in LA County Jail and having Kelly describe  
18 it for him.

19 MS. DERBY: Objection. Motion to strike, lacks  
20 foundation.

21 MR. FURMAN: Speculation.

22 THE COURT: I will sustain it unless you can lay the  
23 foundation for his response.

24 BY MR. GORN:

25 Q Well, you referenced it the last time in the call that we

1 heard that "we're his eyes and we're his ears" was in a context  
2 between Seferino Gonzalez and Kelly Deshannon, correct?

3 A Yes.

4 Q And what was the role that was being described when that  
5 was said in the prior call that we heard?

6 A In the prior call she was his secretary and acting as his  
7 eyes and ears.

8 Q And in the context of Seferino Gonzalez and Cheryl Perez,  
9 is that context different?

10 A Slightly but a lot of it's the same, yes.

11 Q Okay. Same in terms of role, or different in terms of the  
12 role that these individuals hold?

13 A The roles are higher in this case, than they were in the  
14 other case.

15 MR. FURMAN: Objection. Speculation. Lack of  
16 foundation. Move to strike.

17 THE COURT: Overruled.

18 BY MR. GORN:

19 Q So when Seferino Gonzalez says "we're his eyes and we're  
20 his ears," does that indicate and do you form an opinion that  
21 that refers to a different person?

22 A Yes.

23 Q Why does it refer to a different person?

24 A One is because in this context, he's speaking to Cheryl  
25 Perez, so they are the eyes and ears for a different person

1 than Kelly would be for them.

2 MR. FURMAN: Objection. Lack of foundation and  
3 speculation. Move to strike.

4 THE COURT: Overruled.

5 BY MR. GORN:

6 Q So based on your prior knowledge as to the context of this  
7 statement "we're his eyes, we're his ears," in the context of  
8 Seferino Gonzalez and Cheryl Castaneda, do you form an opinion  
9 as to what that means?

10 A Yes.

11 Q And what is that opinion?

12 A That they are --

13 MS. DERBY: Objection. Lack of foundation.

14 THE COURT: I will sustain the objection unless you  
15 can lay a foundation for that response.

16 MR. GORN: Can we continue.

17 (Audio played in open court.)

18 MR. GORN: Stop right there.

19 BY MR. GORN:

20 Q Special Agent Talamantez, Cheryl Perez in her statement  
21 that he knows what I say, it's my choice and it goes. Does  
22 that assist you in determining what role Cheryl Perez plays as  
23 a senora?

24 A Yes.

25 Q And in your opinion, based on your investigation, and

1 based on the context of this call, Cheryl Perez -- are you able  
2 to determine and form an opinion as to who Cheryl Perez is  
3 referring to when she says "does your brother know" and "I said  
4 yes," "he knows what I say is my choice"?

5 A Yes.

6 Q In your opinion, who is Cheryl Perez referring to?

7 MS. DERBY: Objection. Lacks foundation.

8 THE COURT: I will sustain the objection. Let me  
9 have you on sidebar for just real quick moment.

10 (Sidebar begins.)

11 THE COURT: Is there anywhere in the -- any of the  
12 transcripts where Ms. Perez -- or Ms. Gonzalez -- I'm sorry,  
13 Ms. Castaneda identifies Lerma as the brother?

14 MR. GORN: It's only in code. What we have is  
15 obviously the JPEG records. We have everything else -- the  
16 12th Street and all of that. They talk about "he would be  
17 giving up the keys" and everything like that. But hearing the  
18 actual name, no.

19 Part of that is what Your Honor heard about  
20 expert testimony which is --

21 THE COURT: I will allow him to testify as to  
22 reference to the brother, by reference to those things you are  
23 talking about, but not by name if his name is never used.

24 MR. GORN: Okay.

25 THE COURT: But you have to cite to those portions

1 of the other exhibits that you are proffering as to -- to draw  
2 that connection.

3 MR. GORN: Understood.

4 (Sidebar ends.)

5 BY MR. GORN:

6 Q The term -- when we previously spoke about "my eyes" and  
7 "my ears," is that in reference to, from your experience, the  
8 role of a secretary?

9 A Yes.

10 Q Okay. Can that also be the role of a senora?

11 A Yes.

12 Q And based on your personal knowledge and background, what  
13 does a senora do?

14 A They act on behalf of a Mexican Mafia member.

15 Q Okay. And when Cheryl Perez makes a comment that -- or  
16 indicates "we're his eyes, we're his ears," is there a specific  
17 role that she's indicating by saying that?

18 A Yes.

19 Q And what is that role?

20 A That she's the senora.

21 Q Now --

22 MS. DERBY: Objection. In this transcript, she does  
23 not say that.

24 MR. GORN: But in the context --

25 THE COURT: Don't argue with each other.

1 MR. GORN: Let's see.

2 BY MR. GORN:

3 Q Now, based on your review --

4 THE COURT: You need to refer again to the  
5 portion --

6 MR. GORN: Oh, of course.

7 THE COURT: -- of the transcript, so I will sustain  
8 the objection.

9 MR. GORN: Okay.

10 BY MR. GORN:

11 Q In this call between Seferino Gonzalez and Cheryl Perez,  
12 when they are discussing the eyes and the ears, is that  
13 reference to a specific role?

14 A Yes.

15 Q And what is that role?

16 A That Cheryl Perez is the senora.

17 Q And what is it, based on your investigation in this case,  
18 that makes you believe that Cheryl Perez is the senora for  
19 defendant Mike Lerma?

20 MR. FURMAN: Objection. Calls for speculation and  
21 lack of foundation.

22 THE COURT: I will sustain the objection for lack of  
23 foundation.

24 BY MR. GORN:

25 Q As part of your investigation, did you look at JPay links



1 between Cheryl Perez and defendant Mike Lerma?

2 A Yes.

3 Q And what did you find in those JPay records?

4 A That she placed money on his JPay account.

5 Q Now, is that a role that a senora would have for a Mexican  
6 Mafia brother?

7 MR. FURMAN: Objection. Calls for speculation.  
8 Lack of foundation.

9 MR. GORN: I will withdraw the question, Your Honor.

10 THE COURT: Okay.

11 BY MR. GORN:

12 Q I'd like to take your attention to, now, Government's  
13 Exhibit 293, from July 6, 2013.

14 MR. GORN: Can we just play that?

15 (Audio played in open court.)

16 MR. GORN: Stop.

17 BY MR. GORN:

18 Q The first male speaker in this call in Exhibit 293, do you  
19 know who that is?

20 A Yes.

21 Q Who is that?

22 A Jose Valencia Gonzalez.

23 Q The second male speaker, who is that?

24 A Seferino Gonzalez.

25 Q Now at the same time period back in July of 2013, did you

1 also retrieve jail calls relevant -- excuse me, did you also  
2 review jail calls relevant to defendant Juan Sanchez?

3 A Juan Sanchez's phone calls, I don't believe so.

4 Q Juan Sanchez, do you know him as "Squeaks"?

5 A Yes.

6 Q And looking at the call that we just played on  
7 Exhibit 293, do you see an individual here referenced by  
8 defendant Jose Gonzalez as "Squeaks" or "Squeaky"?

9 A Yes.

10 Q And the context of this call that you were listening to  
11 and the relationship from your investigation between defendant  
12 Jose Gonzalez and defendant Juan Sanchez, do you have an  
13 opinion as to who Squeaky is in this call?

14 MR. LASTING: Objection, Your Honor. The phone call  
15 does not appear -- misstatement of the evidence.

16 THE COURT: Rephrase your question.

17 BY MR. GORN:

18 Q Based on your investigation in the case and listening to  
19 this call, do you have an opinion as to who Squeaks is in this  
20 call?

21 A Yes.

22 Q And based on your investigation, what is your opinion as  
23 to who is Squeaky is?

24 A That it's Juan Sanchez.

25 Q If we can go to Exhibit 294.

1 Starting with the first ten seconds.

2 (Audio played in open court.)

3 MR. GORN: Stop.

4 BY MR. GORN:

5 Q The first male caller in that call, do you know who that  
6 was?

7 A Yes.

8 Q Who was it?

9 A Jose Valencia Gonzalez.

10 Q And the second male caller, do you know who that was?

11 A Yes.

12 Q Who was it?

13 A Seferino Gonzalez.

14 MR. GORN: Can we continue playing?

15 (Audio played in open court.)

16 BY MR. GORN:

17 Q Based on your investigation, and listening to this call  
18 and the other jail calls, were you able to determine back in  
19 July 6, 2013, what defendant Juan Sanchez's relationship was  
20 with Seferino Gonzalez and Jose Gonzalez?

21 A Yes.

22 Q What was that role?

23 A A fellow Cherryville gang member.

24 Q And specifically in this call, are you able to glean,  
25 based on your background, training, and experience, indicia or

1 elements of drug distribution in this case?

2 A Yes.

3 Q And what is it about this call that makes you believe  
4 that?

5 A They specifically say that there are people selling for  
6 them and they should listen to Squeaks.

7 Q And Squeaks -- based on your investigation, do you have an  
8 opinion in this call as to who that is?

9 A Yes.

10 Q And who is that?

11 A Juan Sanchez.

12 Q As part of your investigation, did you also attempt to  
13 obtain cell phone location data of defendant Jose Gonzalez and  
14 Cheryl Perez as it related to the assault in Covina on  
15 July 14th, 2013?

16 A Yes.

17 MR. GORN: Actually, if I could have a moment, Your  
18 Honor. I believe that Exhibits 215, 216, 217, and 218 were  
19 only provisionally admitted. I would ask at this point that  
20 they be moved into evidence.

21 THE COURT: All right.

22 MR. KHOJAYAN: I renew my objection.

23 THE COURT: I will overrule the objections. I will  
24 admit them.

25 MR. GORN: Thank you.

1 THE COURT: Obviously, the objections are reserved.

2 MR. KHOJAYAN: Thank you.

3 (Exhibits 215, 216, 217, and 218 received into evidence.)

4 BY MR. GORN:

5 Q Going back to the cell site evidence. As part of your  
6 investigation, did you obtain cell site data for defendant Jose  
7 Gonzalez and Cheryl Perez as it pertains to July 14th, 2013?

8 A Yes.

9 Q Can you just explain, what is cell site data? Briefly.

10 A Cell site data is information -- when you make a phone  
11 call, your phone hits off of a cell tower that is in the area  
12 that is designated at that time.

13 So if you obtain cell site data for a phone, it shows  
14 you what towers are being used at specific times for your  
15 phone.

16 Q How do you go about obtaining cell site data?

17 A A couple of different ways.

18 You can have a court order if you were to do it  
19 federally, or you can write a search warrant for it if you are  
20 going to acquire it through state.

21 Q And is it helpful in your investigation?

22 A It is helpful.

23 Q And were you able to obtain the subscriber information for  
24 both Cheryl Perez as well as Jose Valencia Gonzalez as it  
25 pertained to the incident in Covina?

1 A Yes.

2 Q Did an agent -- did you or an agent working with you make  
3 a request for those records belonging to a specific cell phone  
4 carrier?

5 A Yes.

6 Q Was that Sprint?

7 A Yes.

8 Q Okay. Now, is it fair to say that -- I believe T-Mobile  
9 has since taken over Sprint?

10 A Yes, I believe that's correct.

11 Q Okay. And did you make a records request to Sprint,  
12 though, back in maybe 2014 to provide you with records with  
13 certified copies?

14 A Yes.

15 Q Okay. And can you briefly review Exhibits 277 through 284  
16 in the binder in front of you?

17 A They appear to be cell phone records.

18 Q Do you recognize those exhibits?

19 A Yes.

20 Q And what are they?

21 A They are cell phone records.

22 Q And are these the accurate records that were sent to you?

23 A Yes.

24 Q Okay.

25 MR. GORN: Your Honor, at this time the government

1 would move to admit Exhibits 277 through 278 based on the  
2 902(11) certification from the records custodian that is  
3 attached as one of those exhibits.

4 MR. KHOJAYAN: No objection, Your Honor.

5 THE COURT: All right. They are admitted.

6 (Exhibits 277 through 278 received into evidence.)

7 BY MR. GORN:

8 Q Based on your investigation, were you able to look at the  
9 cell phone or cell site data in this case?

10 A Yes.

11 Q And as part of your investigation in summary, were you  
12 able to determine anything from that data?

13 A Yes.

14 Q And what, if anything, did you determine?

15 A That the cell phones of Cheryl Perez and Jose Valencia  
16 Gonzalez were in the area of the Covina shooting, at around the  
17 approximate time that the Covina shooting happened.

18 Q Now, shortly after the assault in Covina, did Covina law  
19 enforcement conduct surveillance of defendant Jose Valencia  
20 Gonzalez?

21 A Yes.

22 Q And on July 17, 2013, did you review reports as part of  
23 your investigation to see what, if any, cars defendant Jose  
24 Valencia Gonzalez was driving at that time?

25 A I reviewed reports from that day, yes.

1 Q And did -- based on your investigation, did a Covina  
2 police officer stop that car?

3 A Yes.

4 Q And from that traffic stop back on July 17, 2013, were you  
5 able to determine who the driver was of that car?

6 A Yes.

7 Q And was that car a white GMC Terrain SUV?

8 A Yes.

9 Q As part of your investigation, did you review reports as  
10 to any search of that GMC Terrain SUV on October 30th, 2013?

11 A Yes.

12 Q And what, if anything, did you learn to further your  
13 investigation as to the assault in Covina?

14 A That a firearm was found concealed in the roof area of the  
15 vehicle.

16 Q Now, as part of your investigation, did you also look into  
17 a search warrant from a residence located at 9638 Helena Avenue  
18 in Montclair?

19 A Yes.

20 Q How is that residence significant to your investigation in  
21 this case?

22 A That was the residence of Jose Valencia Gonzalez.

23 Q And as part of that search warrant, did you find or did  
24 you review any reports that indicated items of relevance to  
25 your investigation?



1 A Yes.

2 Q What, if anything, did you find?

3 A Bullets were located.

4 Q As far as you know, from your review, was a .380 round  
5 located at that residence?

6 A Yes.

7 Q When you referenced the jail call earlier, where you  
8 previously testified that Jose Valencia Gonzalez mentioned .22  
9 bullets, was that in reference to, in your opinion, the search  
10 warrant that was executed at the Helena Avenue address?

11 A I believe so, yes.

12 Q And are you aware of, pursuant to your investigation,  
13 where Jose Valencia Gonzalez was living in July of 2013?

14 A Yes.

15 Q Where was he living?

16 A I believe he was the Helena address.

17 Q As part of your investigation into twenty -- into 2013  
18 drug distribution, referenced in the jail call about the  
19 compound, did you find any arrests pertinent to that  
20 investigation?

21 A To the compound?

22 Q Excuse me, to taxation, around that time in 2013 of July?

23 A Yes.

24 Q Okay. And did you know an individual with the initials,  
25 or excuse me, by the name of Jose Martinez?

1 A Yes.

2 Q And did you know him also by his moniker of Slim?

3 A Yes.

4 Q Have you personally met with Jose Martinez?

5 A Yes.

6 Q And can you just briefly describe how do you know Jose  
7 Martinez?

8 A Previous contacts in the City of Pomona and in a  
9 investigation.

10 Q And speaking with him, did he ever admit his prior gang  
11 affiliation to you?

12 A Yes.

13 Q And what was it?

14 A Big Hazard.

15 Q Based on your background, training, and experience as to  
16 the gangs in Los Angeles, do you know the general area where  
17 Big Hazard is in Los Angeles?

18 A Eastern Los Angeles. East Los Angeles.

19 Q As your investigation develops in 2013, did you obtain any  
20 information regarding Jose Martinez and his drug distribution  
21 at that time?

22 A Yes.

23 Q And what did you learn, if anything?

24 A That he had been contacted and arrested with drugs, a gun,  
25 and a pay/owe sheet taxing ledger.

1 Q In your own words, what role did Jose Martinez play in  
2 your investigation into the -- into your investigation of the  
3 Pomona area in 2013?

4 MS. DERBY: Objection, overbroad.

5 THE COURT: Rephrase your question.

6 BY MR. GORN:

7 Q As part of your investigation, did you find any pertinent  
8 information regarding defendant Jose Martinez and his ties to  
9 an enterprise activity in Pomona?

10 A Yes.

11 Q What, if anything, did you find is pursuant to your  
12 investigation?

13 A That he was collecting taxes and selling drugs in the City  
14 of Pomona.

15 Q As part of your investigation did you develop --

16 MR. GORN: Excuse me, if I can have one moment.

17 THE COURT: All right.

18 BY MR. GORN:

19 Q As part of your investigation did you also investigate a  
20 traffic stop from May 8, 2015?

21 A Yes.

22 Q Was that traffic stop in regards to Carlos Gonzalez?

23 A Yes.

24 Q Did you review reports based on that traffic stop?

25 A Yes.

1 Q Where did that occur?

2 MR. NOVAK: Objection, hearsay.

3 THE COURT: Overruled.

4 BY MR. GORN:

5 Q Where did that occur?

6 A The May 8, 2015, traffic stop occurred in the City of  
7 Pomona.

8 Q And did you look at that traffic stop as part of your  
9 investigation?

10 A Yes.

11 Q And can you tell me, based on your investigation of those  
12 reports, did you see whether Carlos Gonzalez was with another  
13 defendant in this case?

14 MR. NOVAK: Objection, hearsay, no personal  
15 knowledge. Police reports are not -- contents of police  
16 reports are not admissible through a third party.

17 MR. GORN: It's for a different purpose as part of  
18 his investigation in the summary.

19 MR. NOVAK: That is irrelevant.

20 THE COURT: I will sustain the objection.

21 BY MR. GORN:

22 Q So were the defendants in this case eventually arrested  
23 around 2018 for conduct described that you are testifying to  
24 today, at least in part?

25 MR. NOVAK: Objection, overbroad and irrelevant when

1 any particular defendant was arrested. Not relevant.

2 MR. GORN: It's getting into MDC, Your Honor.

3 THE COURT: No. Are you trying to inquire as to the  
4 point in time whether or not this witness knows whether or not  
5 the individuals went into MDC?

6 MR. GORN: Yes.

7 THE COURT: You can ask him the direct question as  
8 to whether or not he knows and how is the basis that he knows.

9 MR. GORN: Sure.

10 BY MR. GORN:

11 Q Based on your investigation in the case did you come  
12 across information that defendant Michael Lerma, defendant  
13 Carlos Gonzalez, defendant Juan Sanchez, and defendant Jose  
14 Valencia Gonzalez were housed together in Metropolitan  
15 Detention Center in 2020?

16 A Yes.

17 Q And how did you learn that?

18 A From investigating a murder.

19 Q Now, when you said -- you referenced a murder, I want to  
20 show you an exhibit. Can you turn to Exhibit 167.

21 A My 167 is blank.

22 Q Before June 28th, 2020, was an individual named Steven  
23 Bencom ever a part of your investigation?

24 A Did you say prior to June 28th?

25 Q Yes.

1 A He was not.

2 Q Did that change?

3 A Yes.

4 Q Why did that change?

5 A Because he was murdered in MDC.

6 MR. NOVAK: Excuse me, objection, relevance. What's  
7 the relevance of the general scope of this witness'  
8 investigation to the facts in dispute?

9 THE COURT: Well, let me -- well, let me ask the  
10 government counsel, did this particular witness investigate the  
11 murders is what you are saying?

12 MR. GORN: Yes.

13 THE COURT: Let me ask the defense counsel, why is  
14 that background -- the background a question?

15 MR. NOVAK: Why is it a background question?

16 THE COURT: Why isn't it a background question. Now  
17 you may have objections to subsequent questions, but as to that  
18 question I don't know why you are objecting to it.

19 MR. NOVAK: I will withdraw it. We will see what  
20 happens next.

21 MR. GORN: Do you have Exhibit 167? It wasn't in  
22 the binder, but can I show counsel and approach the witness?

23 THE COURT: Sure. You have to show all counsel.

24 MR. KHOJAYAN: We have that.

25 MR. GORN: May I approach the witness?

1 THE COURT: Yes.

2 BY MR. GORN:

3 Q Do you recognize -- sir, I just gave you what has been  
4 marked as Exhibit 167. Do you recognize that exhibit?

5 A Yes.

6 Q And what is that exhibit of?

7 A It's a photograph of Steve Bencom.

8 Q Is that a true and accurate photo of Steven Bencom as you  
9 knew him and as part of your investigation?

10 A Younger, but yes.

11 Q As part of your investigation, did you also interview  
12 individuals after June 28th, 2020, regarding the murder of  
13 Steven Bencom?

14 A Yes.

15 Q Did you speak with inmates that were there?

16 A Yes.

17 Q Were some of those inmates Jose Martinez?

18 A Yes.

19 Q Andrew Jackson?

20 A Yes.

21 Q Ryan Tawa?

22 A Yes.

23 Q Joe Jordan?

24 A Yes.

25 Q Based on your investigation, were you able to determine

1 where all four defendants were housed on June 28th, 2020?

2 MR. NOVAK: Objection, calls for hearsay. It's the  
3 best evidence rule, relevance.

4 THE COURT: I will sustain the objection. Let me  
5 just ask counsel.

6 MR. GORN: Yes.

7 THE COURT: Well, I presume you have the records of  
8 the inmates of the particular institution, don't you?

9 MR. GORN: We do.

10 THE COURT: Why wouldn't that be offered?

11 MR. GORN: We can offer that.

12 THE COURT: All right.

13 MR. GORN: I'm sorry, Your Honor, I forgot to admit  
14 167.

15 THE COURT: Any objection to 167?

16 MR. KHOJAYAN: No.

17 MS. DERBY: No, Your Honor.

18 THE COURT: It's admitted.

19 (Exhibit 167 received into evidence.)

20 MR. GORN: Thank you.

21 BY MR. GORN:

22 Q Did you review records and were you able to determine from  
23 Bureau of Prison and MDC records where all four defendants were  
24 housed on June 28th, 2020?

25 A Yes.



1 Q And based on the records that you reviewed where were the  
2 defendants housed?

3 MR. NOVAK: Calls for hearsay, best evidence rule.

4 MS. DERBY: Also lacks foundation.

5 THE COURT: I will sustain the objection.

6 BY MR. GORN:

7 Q Have you been to --

8 MR. GORN: Excuse me, if I could just have a moment,  
9 Your Honor?

10 THE COURT: Yes.

11 MR. GORN: Your Honor, I don't have any more  
12 questions at this time.

13 THE COURT: All right. Cross?

14 MR. NOVAK: I have no questions on behalf of  
15 Mr. Carlos Gonzalez for this witness at this time, based on the  
16 examination so far.

17 THE COURT: Any other?

18 MR. KHOJAYAN: No questions for Jose Gonzalez.

19 MR. LASTING: No questions from Juan Sanchez, Your  
20 Honor.

21 MS. DERBY: Your Honor, I need a moment because I'm  
22 trying to think about the relevance.

23 THE COURT: You don't need to explain. If you ask  
24 for time, I will give you time to think about it for a moment.

25 MS. DERBY: No, I have a question.

1 THE COURT: You do have a question?

2 MS. DERBY: Yes, can I cross-examine him.

3 THE COURT: All right.

4 CROSS-EXAMINATION

5 BY MS. DERBY:

6 Q Good afternoon Officer -- Agent Talamantez.

7 You testified earlier that there were -- you have  
8 investigated 5 to 10 Mexican Mafia members, meaning not just  
9 associates, the actual members. Who are those 5 to 10?

10 A Jose Landa-Rodriguez.

11 Q What is his moniker?

12 A Fox.

13 Michael Lerma, "Pomona Mike," a defendant here.

14 Luis Vega, "Little One" Vega.

15 Robert Ruiz, "Peanut Butter."

16 Donato Gonzales, "Nato."

17 James Godoy, "Husky."

18 Manuel Quintero, "Snuffy."

19 Michael Torres, "Fly" or "Mosca."

20 That is already eight right there.

21 Q Okay. So you have been an agent regarding Pomona that  
22 since 2007, correct?

23 A I'm an agent with the FBI. I have run a task force that  
24 is based in Pomona since 2010, but I have been on the task  
25 force since about 2008.

1 Q I thought you said 2007.

2 So you have been involved in Pomona then since 2008.

3 A A long time, yes. Probably before that, it's a long time  
4 if that is your point.

5 Q Okay. And you testified about a call -- a call 231.

6 Could you go back to that call? Actually start with 230,  
7 sorry, 230.

8 Now in this call, you testified about "you call, if he  
9 can't answer, he'll call me," that is a statement from Cheryl  
10 Castaneda Perez, correct?

11 A Yes.

12 Q All right. And you are saying that is in relation to Jose  
13 Valencia Gonzalez, correct?

14 A Yes.

15 Q Okay. And so the statement is, "I told them it was my  
16 call, my choice and no, you have a problem, you go through him.  
17 If he can't answer, he'll call me. I'll let him know and  
18 that's the way it's going to work," correct?

19 A Yes.

20 Q Okay. So you are saying -- what does that mean to you?

21 A What does it mean?

22 Q Yeah. What does that mean?

23 A It means that Cheryl is dictating her rules as the senora  
24 for the City of Pomona, meaning that gang members that have a  
25 problem are not going to go through her, that's her choice,

1 that's her rules, that they need to go through Jose Valencia  
2 Gonzalez.

3 If Jose Valencia Gonzalez does not know the answer, then  
4 she will answer it.

5 Q Okay. Go to 231.

6 If you go to 231, the last -- this is the comment where  
7 you were saying "eyes and ears," correct? Is this the -- yes.  
8 So Seferino says, "we're the effing -- we're his eyes, we're  
9 his ears, we're everywhere and everything, you know?" Do you  
10 see that part?

11 A I do.

12 Q And then go down to the last part of Cheryl Castaneda, and  
13 she says, "yeah, he was like, well, does your brother know? I  
14 said yes, he knows what I say. It's my choice, and it goes.

15 He says, oh, okay. Well, we didn't know.

16 And I'm like, I told you already, I couldn't, and I  
17 don't want to have to tell you again."

18 Your testimony was you were trying to infer that she's  
19 making a statement about a Mexican Mafia member, correct?

20 A Yes, would you like me to explain?

21 Q Well, I want to ask, when does a secretary say "I told you  
22 already and I don't want to have to tell you again."

23 A When she's a senora.

24 Q Can a senora say that to a Mexican Mafia member?

25 A She's not referring to speaking to the member in this,

1 she's referring to the person she's having a problem with.

2 Q Okay. I think we just beg to differ on that  
3 interpretation.

4 MR. GORN: Objection, Your Honor, counsel is  
5 testifying. There is no question before the witness.

6 THE COURT: Well, I have already indicated that  
7 questions and statements of attorneys are not evidence so.

8 MR. GORN: Thank you.

9 THE COURT: I understand your objection, but it's  
10 not necessary.

11 So let me ask you, are you done with the questioning?

12 MS. DERBY: No, I have one more.

13 THE COURT: Okay.

14 BY MS. DERBY:

15 Q If you can go to 232. Who is "Pete"?

16 A I don't know who the Pete is in this call.

17 Q All right.

18 MS. DERBY: Your Honor, I would just request that  
19 this witness remain under -- or we should be able to use the  
20 government's subpoena so that we can call him as our witness.

21 THE COURT: Let me ask the government, what is your  
22 response to that?

23 MR. GORN: I believe that now is the time to ask on  
24 cross-examination, Your Honor.

25 THE COURT: I would agree.

1 MS. DERBY: Your Honor, the witness -- it would be  
2 way beyond the scope of the direct.

3 THE COURT: So sorry, you named him as your own  
4 witness as well is what you are saying?

5 MS. DERBY: Yes.

6 THE COURT: Let me just ask, if they named him as a  
7 witness for their defense, I presume as the case agent he's  
8 going to be present during the course of the trial?

9 MR. GORN: That's fine, Your Honor.

10 THE COURT: Okay.

11 MS. DERBY: Thank you.

12 THE COURT: Anything else from anybody or does the  
13 government wish to redirect?

14 MR. GORN: Yes, Your Honor.

15 THE COURT: Okay. You are going to redirect just on  
16 the cross that was conducted?

17 MR. GORN: Excuse me, on Exhibit 231.

18 THE COURT: Okay.

19 REDIRECT EXAMINATION

20 BY MR. GORN:

21 Q Special Agent Talamantez, on cross-examination, counsel  
22 referred you to Exhibit 231. Do you remember that exhibit?

23 A I do.

24 Q She specifically mentioned "we're his eyes, we're his  
25 ears," and asked if you were inferring, correct?

1 A Yes.

2 Q Based on counsel's question to you, are you inferring?

3 A I think they are clearly explaining what they are doing  
4 and what their role is.

5 Q In your words what is happening when --

6 MR. GORN: Can you go up?

7 BY MR. GORN:

8 Q What is your opinion when Seferino Gonzalez says, "we're  
9 his eyes, we're his ears"?

10 MS. DERBY: Objection, Your Honor, the witness said  
11 it speaks for itself, so let it speak for itself.

12 MR. GORN: Counsel cross-examined on him on an  
13 inference. I can ask what that inference means.

14 THE COURT: I will allow the question.

15 BY MR. GORN:

16 Q Sir, you can answer.

17 A Can you repeat it one more time?

18 Q You were asked what you are inferring from counsel when  
19 you were discussing "we're his eyes, we're his ears"?

20 A Yes. Based on the individuals that are speaking, being  
21 the keyholder and the senora, I inferred that they were working  
22 on behalf of Mike Lerma, based on their roles and the context  
23 of the calls.

24 MR. FURMAN: Lack of foundation and speculation.

25 THE COURT: I will strike the answer as far as it

1 identifies anyone, but I won't strike the answer in terms of  
2 what it means to be the eyes and ears.

3 BY MR. GORN:

4 Q Sir, you were asked about any inferences you made as it  
5 regards "we're his eyes, we're his ears."

6 Can you explain further when you said you would like to  
7 explain what if any inferences you were making that counsel  
8 referred to?

9 A The role and the individual they were talking to based on  
10 their positions in what they're talking about.

11 So, Seferino has already indicated in a phone call that  
12 he's the keyholder.

13 He's taking direction from Cheryl Perez who is a senora.  
14 So in this instance, I'm inferring they are talking about being  
15 the eyes and ears for the Mexican Mafia member that they are  
16 working for.

17 MR. GORN: Nothing further.

18 MS. DERBY: Your Honor, I have one other question.

19 RECROSS EXAMINATION

20 BY MS. DERBY:

21 Q You testified about these JPay records, correct?  
22 Exhibit 350.

23 MR. GORN: Objection, outside the scope.

24 THE COURT: I will sustain the objection. That  
25 wasn't addressed in the redirect.



1 MS. DERBY: I can bring it up in my own examination.

2 Can I request just reopen momentarily? It's two questions.

3 THE COURT: All right. But only two questions.

4 Literally two questions, means two questions.

5 Attorneys two questions means ten questions.

6 MS. DERBY: I got it. If you can scroll to the next  
7 page.

8 BY MS. DERBY:

9 Q All right. You are looking at Exhibit 350, correct?

10 A Okay.

11 Q And you testified that Cheryl Perez put money on the books  
12 of Mr. Lerma on 2/8/12 and 9/11/12, correct?

13 A Yes.

14 Q Can you go to the next page? The page following on that  
15 exhibit shows that Ms. Perez also put money on Mr. Lerma's  
16 books on July 24, 2010, correct?

17 A Yes.

18 Q It was \$80?

19 MR. GORN: Your Honor, that is more than two  
20 questions.

21 MS. DERBY: Okay, I'm done.

22 BY MS. DERBY:

23 Q That was a "yes," correct?

24 A That is a yes.

25 MS. DERBY: Thank you.

1 THE COURT: I presume, no further follow-up?

2 MR. GORN: I have one question. Regarding the 350  
3 exhibit that was just introduced, that wasn't part of my  
4 cross -- or excuse me, my redirect.

5 THE COURT: How many questions are you going to ask?

6 MR. GORN: One.

7 THE COURT: All right. We will see. Although I  
8 eventually think you are going to be able to name that tune in  
9 zero.

10 FURTHER DIRECT EXAMINATION

11 BY MR. GORN:

12 Q Special Agent Talamantez, the JPay records that are in  
13 front of you in Exhibit 350, are the payments from Cheryl Perez  
14 to defendant Mike Lerma consistent with what a senora would do  
15 for a brother she's working for based on your opinion?

16 MS. DERBY: Objection, beyond the scope of the --

17 THE COURT: Overruled.

18 BY MR. GORN:

19 Q You can answer the question.

20 A Yes.

21 MR. GORN: Nothing further.

22 THE COURT: All right. Ladies and gentlemen, at  
23 this point in time we're closing for this evening.

24 We will start again at 10:30 on Monday.

25 Please remember, when you are on these breaks, do not

1 discuss this case with anyone. Do not do any independent  
2 research, visit websites, do things of that sort.

3 If anybody does approach you about this case, tell them  
4 you can't talk about this case with them, and also report the  
5 contact to me.

6 Drive very safely. Have a very pleasant weekend.

7 10:30.

8 (Jury exits the courtroom at 4:51 p.m.)

9 THE COURT: Let me have counsel, you guys back at  
10 10:20 on Monday. If you want to talk about stuff, I'm sure  
11 over the weekend you guys will just think, think, think and  
12 just have all sort of other questions you are going to raise,  
13 the modus operandi.

14 MR. KAHAN: There is still Detective Self's  
15 lingering question.

16 THE COURT: Yes, but I asked you guys to give me  
17 some additional citations and you haven't given it to me yet, I  
18 presume you are going to give it to me over the weekend?

19 MR. KAHAN: In the same manner e-mailing --

20 THE COURT: E-mailing Javier, at 8:00 o'clock. Then  
21 I will discuss it with you guys at 10:20 on Monday.

22 MR. KAHAN: Understood, Your Honor.

23 THE COURT: Thank you.

24 (The proceedings concluded at 4:52 p.m.)

25

CERTIFICATE OF OFFICIAL REPORTER

COUNTY OF LOS ANGELES           )  
STATE OF CALIFORNIA             )

I, TERRI A. HOURIGAN, Federal Official Realtime Court Reporter, in and for the United States District Court for the Central District of California, do hereby certify that pursuant to Section 753, Title 28, United States Code that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the judicial conference of the United States.

Date: 22nd day of March, 2025.

/s/ TERRI A. HOURIGAN

TERRI A. HOURIGAN, CSR NO. 3838, RPR, CRR  
Federal Court Reporter